



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. ४४]

नई दिल्ली, शनिवार, अक्टूबर ३०, १९९३/कार्तिक ८, १९१५

No. 44]

NEW DELHI, SATURDAY, OCTOBER 30, 1993/KARTIKA 8, 1915

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड ३—उप-खण्ड (II)  
PART II—Section 3—Sub-Section (II)

(रक्ष मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सार्वजनिक आदेश और अधिसूचनाएँ  
Statutory Orders and Notifications issued by the Ministries of the Government  
of India (other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, ११ अक्टूबर, १९९३

क्र.सं. २२४८—केन्द्रीय सरकार, दिल्ली विशेष पुलिस  
स्थापन अधिनियम, १९४६ (१९४६ का अधिनियम सं. २५)  
की धारा ६ के साथ पठित धारा ५ की उपधारा (१) द्वारा  
प्रदत्त शक्तियों का प्रयोग करते हुए, आंध्र प्रदेश राज्य सरकार  
की सहमति से, जो गृह (एस.सी.ए.) विभाग जी. ओ.  
आर. टी. सं. ३७६९ तारीख ७-१२-१९९२ द्वारा प्रदान  
की गई थी, दिल्ली विशेष पुलिस स्थापन के सदस्यों की  
शक्तियों और अधिकारिता का विस्तार, भारतीय वंश संहिता  
१८६० (१८६० का अधिनियम सं. ४५) की धारा के साथ  
पठित १२०ख, आर. डब्ल्यू. ४२०, ४६५, ४६७, ४६८, ४७१ और  
अष्टाचार निवारण अधिनियम, १९८८ (१९८८ का अधि-  
नियम सं. ४९) की धारा १३(१)(घ) के साथ पठित धारा  
१३(२) के अधीन दण्डनीय अपराधों के अन्वेषण के लिये,  
जो निम्नलिखित व्यक्तियों द्वारा केन्द्रीय जांच ब्यूरो,

हैदराबाद के मामले आर. सी. ५(ए) ९१-एन.जी.  
पी. तारीख २७-६-९२ में किये गये हैं, संपूर्ण आंध्र प्रदेश  
राज्य पर करती है।

क्र.सं. नाम और पता

१. श्री प्रवीण कुमार, शेंडी मैथ्यू, नीरू कालोनी,  
बेलरी, कर्नाटक राज्य (प्राइवेट व्यक्ति)
२. श्री पवन कुमार, नरसिंह दास अग्रवाल, स्वत्वधारी,  
बालाजी सीड्स कारपोरेशन, अमरावती (प्राइवेट  
व्यक्ति)
३. श्री श्रिंग रामरतन चंदक, निदेशक, कार्मुंजा  
फील्ड प्राइवेट लिमिटेड, अमरावती (प्राइवेट व्यक्ति)
४. श्री के. रंगास्वामी, पदीय, स्टेट बैंक हैदराबाद, लिंग-  
सुगर ब्रांच, रायचूर जिला, कर्नाटक राज्य।

[संख्या २२८/४०/९३-ए.जी.डी. (ii)]

आर.एस. बिष्ट, अवर सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS**

(Department of Personnel and Training)

New Delhi, the 11th October, 1993

S.O. 2248.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government with the consent of the State Government of Andhra Pradesh accorded vide Home (SC-A) Department G.O. Rt. No. 3769 dated 7-12-1992 hereby extend powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences punishable under Section 120B, r/w 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988 (Act No. 29 of 1988) alleged to have been committed by the following persons in case RC. 5(A)/91-NGP dated 27-6-1992 of Central Bureau of Investigation, Hyderabad.

Sl. No.	Name and Address
1.	Sri Pravcen Kumar @ Shandy Mathew, Neeru Colony, Bellary, Karnataka State (Private persons).
2.	Sri Pawan Kumar Narsingdas Agarwal, Proprietor, Balaji Seeds Corporation, Amaravathi (Private person).
3.	Sri Sring Ramratan Chandak, Director, Kamunja Fields Private Ltd., Amaravathi (Private person).
4.	Sri K. Rangaswamy, Official of State Bank of Hyderabad, Lingsugar Branch, Raichur District, Karnataka State.

[No. 228/40/93-AVD-II]

R. S. BISHT, Under Secy.

नई दिल्ली, 11 अक्टूबर, 1993

का.आ. 2249.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आन्ध्र प्रदेश राज्य सरकार की सहमति से, जो गृह (एस सी-ए) विभाग जी.ओ.आर.टी.सं. 3768 तारीख 7-12-1992 द्वारा प्रदान की गई थी, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार भारतीय दण्ड संहिता 1860 (1860 का अधिनियम सं. 45) की धारा 418 के साथ पठित धारा 120B अष्टाचार निवारण अधिनियम, 1988 (1988 का अधिनियम सं. 49) की धारा 13(1)(ख) के साथ पठित सीमा शुल्क अधिनियम, 1962 (1962 का अधिनियम सं. 52) की धारा 126 के अर्धीन दण्डनीय अपराधों के अन्वेषण के लिए, जो. केन्द्रीय जांच ब्यूरो, हैदराबाद के मामला आर.सी. सं. 14(1) 92-हैदराबाद तारीख 6-7-1992 में व्यक्तियों द्वारा किये गये अभिकथित हैं, संपूर्ण आंध्र प्रदेश राज्य पर करती है।

क्र.सं. नाम और पता

1. श्रीमती कमारुनिसा बेगम फती शैक हैदर, निवासी 23-2-640, शाहलीबांदा रोड, हैदराबाद।
2. श्री शैक इस्माइल पुत्र शैक हैदर, निवासी 23-2-640 और 23-2-151/1, मुगलपुरा, हैदराबाद।

3. श्री शैक इस्माइल पुत्र शैक हैदर, निवासी 23-2-640 और 23-2-151/1, मुगलपुरा, हैदराबाद।

4. श्री जावेद उस्मान, पुत्र मुरतजा खान हुमायुं, निवासी 21-4-278, गुलाब सिंह लेन, हुसैनी आलम, हैदराबाद-264।

[संख्या 228/40/93-ए.बी.डी. (ii)]

आर.एस. विष्ट, अवर सचिव

New Delhi, the 11th October, 1993

S.O. 2249.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946) the Central Government with the consent of the State Government of Andhra Pradesh accorded vide Home (SC-A) Department G. O. Rt. No. 3768 dated 7-12-1992 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation offences punishable under Section 120B, read with 418 of the Indian Penal Code 1860 (Act No. 45 of 1860) 126 of the Custom Act 1962 (Act No. 52 of 1962) read with 13(1)(d) of the Prevention of Corruption Act, 1988 (Act No. 49 of 1988) alleged to have been committed by the persons in case RC. No. 14(A)/92-Hyderabad dated 6-7-1992 by Central Bureau of Investigation, Hyderabad.

Sl. No.	Name and address
1.	Smt. Qamarunnissa Begum w/o Shaik Hyder, r/o 23-2-640, Shahalibanda Road, Hyderabad.
2.	Sri Shaik Ibrahim S/o Shaik Hyder, r/o 23-2-640 and 23-2-151/1, Moghalpura, Hyderabad.
3.	Sri Shaik Ismail S/o Shaik Hyder, r/o 23-2-640 and 23-2-151/1, Moghalpura, Hyderabad.
4.	Sri Javed Osman, S/o Murtuza Khan Humayun, r/o 21-4-278 Gulab Singh Lane, Hussaini Alam, Hyderabad-264.

[No. 228/40/93-AVD. II]

R. S. BISHT, Under Secy.

नई दिल्ली, 12 अक्टूबर, 1993

का.आ. 2250.—आतंकवादी और विध्वंसकारी क्रियाकलाप (निवारण) अधिनियम, 1987 (1987 का अधिनियम सं. 28) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री एस. कल्याणसुन्दरम, वरिष्ठ लोक-अभियोजक, केन्द्रीय अन्वेषण (ब्यूरो, ए.सी.बी. मद्रास को दिल्ली विशेष पुलिस स्थापना द्वारा उक्त अधिनियम के तहत नाम विनिर्दिष्ट न्यायालय, तमिलनाडु, मद्रास में संस्थित मामला सं. आर.सी. 16(एस) 93-एस.सी.बी. मद्रास (आ. एस. एस. मुख्यालय-मद्रास बम विस्फोट मामला) का संचालन करवाने के लिये अपर लोक अभियोजक के रूप में नियुक्त करती है।

[संख्या 228/61/93-ए.बी.डी. (2)]

वै. लक्ष्मीरत्न, संयुक्त सचिव

New Delhi, the 12th October, 1993

S.O. 2250.—In exercise of the powers conferred by sub-Section (1) of Section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (Act No. 26 of 1987), the Central Government hereby appoints Shri S. Kalyanasundaram Senior Public Prosecutor CBI/ACB Madras as Additional Public Prosecutor for conducting the case No. RC 16(C)/93-SCB/Madras (R.S.S. Headquarters—Madras Bomb Blast Case) instituted by Delhi Special Police Establishment in the designated Court, Tamil Nadu, Madras under the said Act.

[No. 228/61/93-AVD.II]

V. LAKSHMI RATAN, Jt. Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 6 अगस्त, 1993

(आयकर)

का.आ. 2251.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा “वि सेलेशियन प्रोविस आफ कलकत्ता (नार्दर्न इंडिया), कलकत्ता” को कर-निर्धारण वर्ष 1992-93 से 1994-95 तक के लिये निम्नलिखित शर्तों के अध्वधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिये इसका संश्लेषण पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है ;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा ;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9348/फा.सं. 197/37/93-आयकर (नि.-I)]

शरत चन्द्र, अवसर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 6th August, 1993

(INCOME-TAX)

S.O. 2251.—In exercise of the powers conferred by sub-clause (v) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies “The Salesian Province of Calcutta (Northern India), Calcutta” for the purpose of the said sub-clause for the assessment years 1992-93 to 1994-95 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9348/F. No. 197/37/93-ITA-I]

SHARAT CHANDRA, Under Secy.

नई दिल्ली, 5 अक्टूबर, 1993

का.आ. 2252.—जबकि केन्द्रीय सरकार का यह मत है कि श्री पी.वी.एस.आर. कामेश्वर राव, अवसर श्रेणी लिपिक (निलंबनाधीन) से संबंधित विभागीय जांच-पड़ताल के प्रयोजनार्थ यह आवश्यक है कि श्री टी. शेषागिरि राव को गवाह के रूप में बुलाया जाये। उनसे कोई दस्तावेज मंगवाया जाये;

2. इसलिये अब विभागीय जांच-पड़ताल (गवाह की उपस्थिति एवं दस्तावेजों के प्रस्तुतीकरण का प्रवर्तन) अधिनियम, 1972 (1972 का 18) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा श्री एफ.एस. मोहन्ती को उक्त अधिनियम की धारा 5 में विनिर्दिष्ट शक्ति का प्रयोग श्री टी. शेषागिरि राव के संबंध में करने के लिये जांच प्राधिकारी के रूप में प्राधिकृत करती है।

[सं. सी.-30014/22/93-वी.एण्ड एल.]

मनोज जोशी, अवसर सचिव

New Delhi, the 5th October, 1993

S.O. 2252.—Whereas the Central Government is of opinion that for the purposes of the departmental inquiry relating to Shri P. V. S. R. Kameswara Rao, L.D.C. (under suspension) it is necessary to summon as witness/call for any document from Shri T. Seshagiri Rao.

2. Now therefore, in exercise of the powers conferred by Sub-section (1) of Section 4 of the Departmental Inquiries (Enforcement of Attendance of Witness and Production of Documents) Act, 1972 (18 of 1972), the Central Government hereby authorises Shri F. M. Mohanty as the inquiring authority to exercise the power specified in Section 5 of the said Act in relation to Shri T. Seshagiri Rao.

[No. C-30014/22/93-V&amp;L]

MANOJ JOSHI, Under Secy.

आदेश

नई दिल्ली, 7 अक्टूबर, 1993

स्टाम्प

का.आ. 2253.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस स्टाम्प शुल्क को माफ करती है, जो भारतीय लघु उद्योग विकास बैंक, बम्बई द्वारा जारी किये जाने वाले मात्र एक सौ पेंसठ करोड़ रुपये के मूल्य के प्रोमिसरी नोटों के स्वरूप में बंधपत्रों 13.5% भारतीय लघु उद्योग विकास बैंक 2003 (तीसरी शृंखला) के रूप में उक्त अधिनियम के अन्तर्गत प्रसार्य हैं।

[सं. 29/93-स्टाम्प/फा.सं. 33/41/93-वि.क.]

एस.के. विश्वास, उप सचिव

ORDER

New Delhi, the 7th October, 1993

STAMPS

S.O. 2253.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of promissory notes—13.5% SIDBI 2003 (3rd Series) of the value of rupees one hundred and sixty five crores only to be issued by Small Industries Development Bank of India, Bombay, are chargeable under the said Act.

[No. 29/93-Stamps/F. No. 33/41/93-ST]

S. K. BISWAS, Dy. Secy.

आदेश

नई दिल्ली, 13 अक्टूबर, 1993

स्टाम्प

का.आ. 2254.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा उस स्टाम्प शुल्क को माफ करती है, जो नेशनल हाइड्रो-इलेक्ट्रिक पावर कॉर्पोरेशन लिमिटेड नई दिल्ली द्वारा जारी किये जाने वाले मात्र एक सौ नब्बे करोड़ रुपये के मूल्य के करादेय सुरक्षित, विमोच्य अपरिवर्तनीय बंधपत्र (जी. शृंखला) और मात्र सात करोड़ रुपये के मूल्य के 9% कर-मुक्त, सुरक्षित विमोच्य, अपरिवर्तनीय बंधपत्र (जी. शृंखला) के रूप में वर्णित ऋण-पत्रों के स्वरूप में बंधपत्र उक्त अधिनियम के अन्तर्गत प्रसार्य हैं।

[सं. 30/93-स्टा./फा.सं. 33/31/93-वि.क.]

आत्मा राम, अवसर सचिव

ORDER

New Delhi, the 13th October, 1993

STAMPS

S.O. 2254.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby remits the duty with which the bonds in the nature of debentures described as Taxable Secured, Redeemable, Non-Convertible bonds (G-series) of the value of rupees one hundred ninety crores only and 9% Tax Free, Secured, redeemable, Non-Convertible bonds (G-series) of the value of rupees seven crores only to be issued by National Hydro-electric Power Corporation Limited, New Delhi are chargeable under the said Act.

[No. 30/93-Stamps/F. No. 33/31/93-ST]

ATMA RAM, Under Secy.

केन्द्रीय उत्पाद शुल्क समाहर्तलय

नागपुर, 8 अक्टूबर, 1993

संख्या 06/1993

का.आ. 2255.—श्री पी.एल. गान, अधीक्षक केन्द्रीय उत्पाद शुल्क समूह "ख" समाहर्तलय, नागपुर निवर्तन की आयु प्राप्त करने पर दिनांक 30-09-1993 को अपराह्न में शासकीय सेवा से निवृत्त हुए हैं।

[फा.सं. II(3) 3/93-स्थापना-I]

हरजिंदर सिंह, उप समाहर्ता (कामिक एवं सतर्कता)

CENTRAL EXCISE COLLECTORATE

Nagpur, the 8th October, 1993

No. 06/1993

S.O. 2255.—Shri P. L. Gan, Superintendent, Central Excise Group 'B' of Nagpur Collectorate having attained the age of Superannuation retired from Government service on 30th September, 1993 in the Afternoon.

[C. No. II(3)/93/Estt. II]

HARJINDER SINGH, Dy. Collector (Per. & Vig.)

मुख्य आयकर आयुक्त का कार्यालय

कलकत्ता, 19 अगस्त, 1993

संख्या 7/93-94

का.आ. 2256.—आयकर आयुक्त, पश्चिम बंगाल-6, कलकत्ता के क्षेत्राधिकार के अन्तर्गत आयकर उपायुक्त रेंज-5, कलकत्ता के अधीन आयकर अधिकारी, वार्ड-5(18), कलकत्ता का प्रभार एतद्वारा 1 सितम्बर, 1993 से समाप्त कर दिया गया है।

2. आगे, आयकर आयुक्त, पश्चिम बंगाल-9, कलकत्ता के क्षेत्राधिकार के अन्तर्गत आयकर उपायुक्त, आसनसोल रेंज के अधीन आयकर अधिकारी, वार्ड-4, दुर्गापुर के नाम से एक नया प्रभार एतद्वारा दिनांक 1 सितम्बर, 1993 से सृजित किया गया है, जिसका मुख्यालय दुर्गापुर है।

[संख्या : स.आ./मुख्या./योजना/10/93-94]

एच. एन. कुण्डु, मुख्य आयकर आयुक्त

OFFICE OF THE CHIEF COMMISSIONER OF  
INCOME-TAX

Calcutta, the 2nd September, 1993

Calcutta, the 19th August, 1993

No. 9/93-94

No. 7/93-94

S.O. 2256.—The charge of the Income Tax Officer, Ward-5(18), Calcutta, under the Range of the Deputy Commissioner of Income Tax, Range-5, Calcutta within the jurisdiction of the Commissioner of Income Tax, West Bengal-VI, Calcutta, is hereby abolished with effect from the 1st September, 1993.

2. Further, a new charge to be known as Income-tax Officer, Ward-4, Durgapur, under the charge of Deputy Commissioner of Income Tax, Asansol Range, within the jurisdiction of the Commissioner of Income Tax, West Bengal-XI, Calcutta, is hereby created with effect from the 1st September, 1993 with its Headquarters at Durgapur.

[No. AC/HQ/Planning/10/93-94]

H. N. KUNDU, Chief Commissioner

कलकत्ता, 2 सितम्बर, 1993

संख्या 9/93-94

का. प्रा. 2257.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) ब (2) के अधीन जारी मेरी पूर्व आदेश संख्या 5/93-94 दिनांक 11-8-1993 और 7/92-93 दिनांक 23-2-1993 के आगे और केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के एफ. संख्या 261/2/92 आई. टी. जे. के अधिसूचना संख्या 9329 दिनांक 8-7-93 और एस. ओ. संख्या 505(ई) दिनांक 8-7-1993 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और इस बारे में मुझे समर्थ बनानेवाली अन्य शक्तियों का प्रयोग करते हुए मैं, मुख्य आयकर आयुक्त—III, कलकत्ता एतद्वारा निदेश देता हूँ कि आयकर अधिनियम, 1961 की धारा 246 के खण्ड (ए) से (एच) तक, धनकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उपधारा (1ए) के खण्ड (ए) से (ओ) तक, दानकर अधिनियम, 1958 (1958 का 18) की धारा 22 की उपधारा (1ए) के खण्ड (ए) से (ई) तक, कम्पनी (लाभ) अतिकर अधिनियम, 1964 (1964 का 7) की धारा 11 की उपधारा (1), ब्याज कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1) और व्यय कर अधिनियम, 1987 (1987 का 35) की धारा 22 की उपधारा (1) में वर्णित आदेशों के अनुसार आयकर उपायुक्त, स्पेशल रेंज—18, कलकत्ता द्वारा आयकर अथवा धनकर अथवा दानकर अथवा अतिकर अथवा ब्याज कर अथवा व्यय कर देने वाले असंतुष्ट निर्धारितियों के बारे में आयकर आयुक्त (अपील)-12, कलकत्ता उपरोक्त आदेश दिनांक 11-8-93 और 23-2-1993 में उल्लिखित अपने क्षेत्राधिकार के प्रतिरिक्त कार्यों का निष्पादन करेंगे।

2. यह अधिसूचना दिनांक 11-8-93 से लागू है।

[संख्या : स. प्रा./मुख्या./योजना/30/93-94]

एच. एन. कुण्डु, मुख्य आयकर आयुक्त

S.O. 2257.—In continuation of my earlier orders No. 5/93-94 dated 11th August, 1993 and No. 7/92-93 dated 23rd February, 1993 passed under sections (1) & (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and in exercise of powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide its Notification No. 9329 in F. No. 261/2/92-ITJ dated 8th July, 1993 and S.O. No. 505(E) dated 8th July, 1993 and all other powers enabling me in this behalf, I, the Chief Commissioner of Income-tax-III, Calcutta, hereby direct that the Commissioner of Income-tax (Appeals)-XII, Calcutta, in addition to his jurisdiction defined in the above mentioned order dated 11th August, 1993 and 23rd February, 1993 shall also function in respect of all persons assessed to Income-tax or Wealth-tax or Gift-tax or Sur-tax or Interest-tax or Expenditure-tax by the Deputy Commissioner of Income-tax, Special Range-18, Cal. as are aggrieved by any order passed by the said Deputy Commissioner of Income-tax, Special Range-18, Calcutta, mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961, clauses (a) to (o) of sub-section (1A) of Section 23 of the Wealth-tax Act, 1957 (27 of 1957), clauses (a) to (e) of sub-section (1A) of Section 22 of the Gift-tax Act, 1958 (18 of 1958), sub-section (1) of Section 11 of the Companies (Profit) Sur-tax Act, 1964 (7 of 1964), sub-section (1) of Section 15 of the Interest-tax Act, 1974, (45 of 1974) and sub-section (1) of Section 22 of the Expenditure-tax Act, 1987 (35 of 1987).

2. This Notification takes effect from 11th August, 1993.

[No. AC/HQ/Planning/30/93-94]

H. N. KUNDU, Chief Commissioner

कलकत्ता, 25 अगस्त, 1993

संख्या 8/93-94

का. प्रा. 2258.—मुख्य आयकर आयुक्त-II, कलकत्ता द्वारा पारित पूर्व आदेश संख्या 1/93-94 दिनांक 19-4-93 में आंशिक संशोधन करते हुए और आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) ब (2) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और केन्द्रीय प्रत्यक्ष कर बोर्ड, नई दिल्ली के एफ. संख्या 261/2/92 आई. टी. जे. के अधिसूचना संख्या-9149 दिनांक 21-12-92 और एस. ओ. संख्या—29 (ई) दिनांक 7-1-93 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और इस बारे में मुझे समर्थ बनाने वाला अन्य शक्तियों का प्रयोग करते हुए और इस बारे में पूर्व अधिसूचनाओं का अधिक्रमण करते हुए, ऐसे अधिक्रमण के पूर्व किए गए अथवा छोड़ दिए गए कार्यों को छोड़कर, मैं, मुख्य आयकर आयुक्त-II, कलकत्ता एतद्वारा निदेश देता हूँ कि आयकर अधिनियम, 1961 की धारा 246 के खण्ड (ए) से (एच) तक, धनकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उपधारा (1ए) के खण्ड (ए) से (ओ) तक, दानकर अधिनियम, 1958 (1958 का 18) की धारा 22 की उपधारा (1ए) के खण्ड (ए) से (ई) तक, कम्पनी (लाभ) अतिकर अधिनियम, 1984 (1984 का 7) की धारा 11 की उपधारा 1, ब्याज कर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा 1 और व्यय कर अधिनियम, 1987 (1987 का 35) की धारा 22 की उपधारा (1) और सम्पदा शुल्क अधिनियम, 1953 की धारा 62 में वर्णित आदेशों के अनुसार

स्तम्भ 3 में विनिर्दिष्ट आयकर प्राधिकारियों/निर्धारण अधिकारियों द्वारा आयकर अथवा धनकर अथवा दानकर अथवा अतिकर अथवा व्याजकर अथवा व्ययकर अथवा सम्पदा शुल्क देने वाले असंतुष्ट निर्धारितियों के बारे में संलग्न अनुसूची के स्तम्भ 2 में उल्लिखित इस क्षेत्र के आयकर आयुक्त (अपील) अपने कार्यों का निष्पादन करेंगे।

2. जहाँ तक आयकर सर्कल, वार्ड अथवा विशेष रेंज अथवा उनके अंश इस अधिसूचना के अनुसार एक प्रभार से दूसरे में स्थानांतरित हो गये हों इस अधिसूचना के जारी होने के तुरन्त पहले आयकर वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश में हुई निर्धारण सम्बन्धी अपील लम्बित हो तो इस अधिसूचना के प्रभावी होने की तिथि से वे आयकर आयुक्त (अपील) विचार करेंगे जिनके अधीन उक्त वार्ड/सर्कल/स्पेशल रेंज अथवा उनके अंश स्थानांतरित किए गए हैं।

3. यह अधिसूचना दिनांक 1-9-93 से लागू है।

#### अनुसूची

मु. प्रा. प्रा. II, कलकत्ता क्षेत्र के  
आयकर आयुक्त (अपील) का क्षेत्राधिकार

क्रम संख्या	आयकर आयुक्त (अपील) का पदनाम	क्षेत्राधिकार
1	2	3
1.	आयकर आयुक्त (अपील)- 2, कलकत्ता	(क) आयकर उपायुक्त, रेंज-2, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधि- कारी। (ख) आयकर उपायुक्त, स्पे. रेंज-4, कलकत्ता और आयकर उपायुक्त, स्पे., रेंज-4, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी। (ग) आयकर उपायुक्त, स्पे. रेंज-17, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-17, के अधीनस्थ सभी निर्धारण अधिकारी।
2.	आयकर आयुक्त (अपील)- 4, कलकत्ता	(क) आयकर उपायुक्त, रेंज- 12, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।
3.	आयकर आयुक्त (अपील)- 5, कलकत्ता	(क) आयकर उपायुक्त, रेंज- 3, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।

1	2	3
	(ख) आयकर उपायुक्त, रेंज- 8, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।	
	(ग) आयकर उपायुक्त, रेंज- 16, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।	
	(घ) आयकर उपायुक्त, स्पे. रेंज 9, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज 9, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।	
	(च) आयकर उपायुक्त, स्पे. रेंज-15, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-15, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।	
4. आयकर आयुक्त (अपील)	(क) आयकर उपायुक्त, रेंज- -10, कलकत्ता	(क) आयकर उपायुक्त, रेंज- 14, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।
		(ख) आयकर उपायुक्त, रेंज- 17, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी।
		(ग) आयकर उपायुक्त, स्पे. रेंज-3, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-3, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।
		(घ) आयकर उपायुक्त, स्पे. रेंज-13, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-13, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।
		(च) आयकर उपायुक्त, स्पे. रेंज-16, कलकत्ता और आयकर उपायुक्त, स्पे. रेंज-16, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।

3

(ख) आयकर उपायुक्त, स्पे.  
रेंज-19, कलकत्ता और  
आयकर उपायुक्त, स्पे.  
रेंज-19, कलकत्ता के  
अधीनस्थ सभी निर्धारण  
अधिकारी।

5. आयकर आयुक्त (अपील) (क) आयकर उपायुक्त, स्पे.  
—XI, कलकत्ता रेंज-14, कलकत्ता  
और आयकर उपायुक्त  
स्पे. रेंज-14, कलकत्ता  
के अधीनस्थ सभी निर्धारण  
अधिकारी।

[सं. स.प्रा./मुख्य/योजना/30/93-94]

मुवनेन्द्र निगम, मुख्य आयकर आयुक्त

Calcutta, the 25th August, 1993

No. 8/93-94

S.O. 2258.—In partial modification of earlier order No. 1/93-94 dated 19th April, 1993 passed by the Chief Commissioner of Income-tax-II, Calcutta and in exercise of the powers conferred by sub-sections (1) & (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and in exercise of powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide its notification No. 9149 in F. No. 261/2/92-ITJ dated 21st December, 1992 and S.O. No. 29(E) dated 7th January, 1993 and all other powers enabling me in this behalf and in supersession of all earlier notifications made in this behalf, except in respect of things done or omitted to be done before such supersession, I, the Chief Commissioner of Income-tax-II, Calcutta hereby direct that the Commissioners of Income-tax (Appeals) of this Region as specified in column 2 of the Schedule attached hereto, shall perform their functions in respect of such persons assessed to Income-tax or Wealth-tax or Gift-tax or Sur-tax or Interest-tax or Expenditure-tax or Estate Duty by the Income-tax Authorities/Assessing Officers specified in column 3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of Section 246 of the Income-tax Act, 1961 clauses (a) to (o) of sub-section (1A) of Section 23 of the Wealth-tax Act, 1957 (27 of 1957), clauses (a) to (e) of sub-section (1A) of Section 22 of the Gift tax Act, 1958 (18 of 1958), sub-section 1 of Section 11 of the Companies (Profit) Sur-tax Act, 1984 (7 of 1984), sub-section 1 of Section 15 of the Interest-tax Act, 1974 (45 of 1974) and sub-section 1 of Section 22 of the Expenditure-tax Act, 1987 (35 of 1987) and Section 62 of the Estate Duty Act, 1953.

2. Where an Income-tax Circle, Ward or Special Range or part thereof stands transferred by this notification from one charge to another, appeals arising out of the assessments made in this Income-tax Ward/Circle/Special Range or part thereof and pending immediately before the date from which this notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income-tax Ward/Circle/Special Range or part thereof is transferred shall, from the date from which this notification takes effect, be transferred to and dealt with by the Commissioners of Income-tax (Appeals) to whom the said Ward/Circle/Special Range or part thereof is transferred.

3. This notifications takes effect from 1st September, 1993.

## SCHEDULE

JURISDICTION OF THE COMMISSIONER OF  
INCOME TAX (APPEALS) IN THE  
REGION OF CCIT-II, CALCUTTA.

Sl. No.	Designation of Commissioner of Income tax (Appeals)	Jurisdiction
1	2	3
1.	Commissioner of Income tax (Appeal)-II, Calcutta	(a) All Assessing Officers functioning under Deputy Commissioner of Income tax, Range-2, Calcutta. (b) Deputy Commissioner of Income Tax, Spl. R-4, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income tax, Spl. R-4, Calcutta. (c) Deputy Commissioner of Income tax Spl. R-17, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income tax, Spl. R-17 Calcutta.
2.	Commissioner of Income tax (Appeals)-IV, Calcutta	(a) All Assessing Officers functioning under Deputy Commissioner of Income tax, R-12, Calcutta.
3.	Commissioner of Income tax (Appeals)-V, Calcutta	(a) All Assessing Officers functioning under Deputy Commissioner of Income tax, R-3, Calcutta. (b) All Assessing Officers functioning under Deputy Commissioner of Income tax, Range-8, Calcutta. (c) All Assessing Officers functioning under Deputy Commissioner of Income tax, Range-16, Calcutta. (d) Deputy Commissioner of Income-tax, Spl. R-9, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income tax, Spl. R-9, Calcutta. (e) Deputy Commissioner of Income tax Spl. R-15, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income tax, Spl. R-15, Calcutta.
4.	Commissioner of Income-tax (Appeal)-X, Calcutta	(a) All Assessing Officers functioning under Deputy Commissioner of Income tax, R-14 Calcutta.

1

2

3

Calcutta, the 20th September, 1993

No. 10/93-94

(b) All Assessing officers functioning under Deputy Commissioner of Income-tax, R-17, Calcutta.

(c) Deputy Commissioner of Income-tax Spl. R-3, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax Spl. R-3, Calcutta.

(d) Deputy Commissioner of Income-tax Spl. R-13, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax Spl. R-13, Calcutta.

(e) Deputy Commissioner of Income-tax Spl. R-16, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax Spl. R-16, Calcutta.

(f) Deputy Commissioner of Income-tax, Spl. R-19, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax Spl. R-19, Calcutta.

5. Commissioner of (a) Deputy Commissioner of Income-tax  
(Appeal)-XI,  
Calcutta Deputy Commissioner of Income-tax Spl. R-14, Calcutta and all Assessing Officers subordinate to Deputy Commissioner of Income-tax Spl. R-14, Calcutta.

[No. AC/HQ/Planning/30/93-94]

BHUVANENDRA NIGAM, Chief Commissioner of Income-Tax

कलकत्ता, 20 सितम्बर, 1993

संख्या 10/93-94

का.प्र. 2259:—भायकर आयुक्त, पश्चिम बंगाल-8, कलकत्ता के क्षेत्राधिकार के अन्तर्गत आयकर उपायुक्त रेंज-15, कलकत्ता के अधीन आयकर सहायक आयुक्त, अनुसंधान सर्कल 15(2), कलकत्ता का प्रभार एतद्वारा दिनांक 20-9-1993 से समाप्त कर दिया गया है।

2. भागे, आयकर आयुक्त, पश्चिम बंगाल-8, कलकत्ता के क्षेत्राधिकार के अन्तर्गत आयकर उपायुक्त, रेंज-10, कलकत्ता के अधीन "आयकर सहायक आयुक्त, अनुसंधान सर्कल 10(2), कलकत्ता" के नाम से एक नया प्रभार एतद्वारा दिनांक 20-9-1993 से सृजित किया गया है, जिसका मुख्यालय कलकत्ता है।

[संख्या आ. आ./मुख्या/योजना/10/93-94]

ए. प्रार. मण्डल, मुख्य आयकर आयुक्त

S.O. 2259.—The charge of the Assistant Commissioner of Income-tax, Investigation Circle 15(2), Calcutta, under the Range of the Deputy Commissioner of Income-tax, Range-15, Calcutta, within the jurisdiction of the Commissioner of Income-tax, West Bengal-VIII, Calcutta, is hereby abolished with effect from 20th September, 1993.

2. Further, a new charge to be known as "Assistant Commissioner of Income-tax, Investigation Circle 10(2), Calcutta", under the charge of the Dy. Commissioner of Income-tax, Range-10, Calcutta, within the jurisdiction of the Commissioner of Income-tax, West Bengal-VIII, Calcutta, is hereby created with effect from 20th September, 1993 with its headquarters at Calcutta.

[No. AC/HQ/Planning/10/93-94]

A. R. MANDAL, Chief Commissioner of Income-tax

वाणिज्य मंत्रालय

(विदेश व्यापार महानिदेशालय)

नई दिल्ली, 14 अक्टूबर 1993

का. प्र. 2260—मैसर्स पीको इलेक्ट्रॉनिक्स एण्ड इलेक्ट्रिकल लिमिटेड, शिवसागर एस्टेट, वर्ली, बम्बई - 400018 को 12,84,801/- (44990.87 यू. एस. डालर) के लागत बीमा भाड़ा मूल्य के लिए एक अधिम लाइसेंस सं./पी. / एल / 1523734 दिनांक 23-11-92 और डी ई ई सी बुक सं. 072550 दिनांक 26-11-92 जारी होने की तिथि से 12 महीने का वैधता अवधि के लिए 19,06,807/- (67,5000 यू. एस. डालर), के नियमित बायबे के साथ जारी किए गये थे। अब फर्म ने अधिम लाइसेंस (सीमाशुल्क प्रयोजन प्रति) और केवल आयात के लिए डी ई ई सी बुक की अनुलिपि प्रति के लिए इस आधार पर आवेदन किया है कि लाइसेंस और डी ई ई सी बुक खो गई / गुम हो गई है। फर्म ने प्रपोजित शपथ-पत्र भेजा है जिसके अनुसार पूर्वोक्त अधिम लाइसेंस किसी भी सीमाशुल्क प्राधिकारी के पास पंजीकृत नहीं कराया गया था और उसका बिल्कुल भी उपयोग नहीं किया गया था और लाइसेंस पर शेष लागत-बीमा-भाड़ा मूल्य 1284801/- (44990.87 यू. एस. डालर) का उपयोग करना बाकी है। शपथ-पत्र में इस संबंध में घोषणा भी समाविष्ट की गई है कि उक्त लाइसेंस और डी ई ई सी बुक यदि बाद में मिल गए तो उन्हें जारी करने वाले प्राधिकारों को लौटा दिया जाएगा।

इस पर सन्तुष्ट होते हुए कि मूल अधिम लाइसेंस (सीमाशुल्क प्रयोजन प्रति) और डी ई ई सी बुक खो गई हैं, मैं अधोहस्ताक्षरी ने निर्देश दिया है कि अधिम लाइसेंस (सीमाशुल्क प्रयोजन प्रति) और केवल आयात के लिए डी ई ई सी बुक की अनुलिपि आवेदन को जारी की जाए विदेश व्यापार (विकास और विनिमय) अधिनियम, 1992 का धारा 9 की उपधारा 4 में प्रदत्त प्राधिकारों का प्रयोग करते हुए मैं मूल अधिम लाइसेंस (सीमाशुल्क प्रति) और केवल आयात के लिए डी ई ई सी बुक को एतद्वारा निरस्त करता हूँ।

[फाईल सं. 01/81/ 40/849/ए एम-93/ई ओ एस-1/254]

प्रार. के. सूद, उप महानिदेशक, विदेश व्यापार

कृते महानिदेशक, विदेश व्यापार

MINISTRY OF COMMERCE

(Directorate General of Foreign Trade)

New Delhi the 14th October, 1993

S.O. 2260.—M/s. Peico Electronics and Electricals Limited, Shivsagar Estate, Worli, Bombay-400018, were granted an Advance Licence No. P/L/1523734 dated 23-11-92 and



DEEC Book No. 072550 dated 26-11-92 for a CIF value of Rs. 12,84,801 (US \$ 44990.67) with an export obligation of Rs. 19,06,807 (US \$ 67,500) with a validity of 12 months from the date of issue. Now the firm have applied for grant of Duplicate of Advance Licence (Customs Purpose copy) and DEEC Book for the Import only on the ground that the licence and DEEC Book have been lost/misplaced. The firm have furnished necessary affidavit according to which the aforesaid Advance Licence was not registered with any Customs Authority and was not utilised at all and the balance CIF value against the licence is Rs. 12,84,801 (US \$ 44990.67). A declaration has also been incorporated in the affidavit to the effect that if the said licence and DEEC Book is traced or found later on, it will be returned to the issuing Authority.

On being satisfied that the original Advance Licence (Customs Purpose Copy) and DEEC Book for imports only have been lost the undersigned directed that duplicate Advance Licence (Customs Purpose Copy) and DEEC Book for import only should be issued to the applicant. I also, in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992, hereby cancel the original Advance Licence (Customs Purpose copy) and DEEC Book for imports only.

[F. No. 01/81/40/849/AM-93/DES-I/254]

R. K. SOOD, Dy. Director General of Foreign Trade  
for Director General of Foreign Trade

नई दिल्ली 14 अक्टूबर, 1993

का. प्रा. 2261--मैसर्स पीको इलेक्ट्रॉनिक्स एंड इलेक्ट्रिकल्स लिमिटेड, शिवसागर एस्टेट, ब्लॉक-ए, डा. एनी बेसन्ट रोड, वर्ल्ड, बम्बई-400018 को 1,11,00,000/- ( 385610 यू.एस. डॉलर) के लागत-बोमा भाड़ा मूल्य के लिए एक अग्रिम लाईसेंस सं. पी. एल 1521772 दिनांक 6-7-92 और डी ई ई सी बुक सं. 055547 दिनांक 6-7-92 को जारी होने की तिथि से 12 महीने की वैधता अवधि के लिए 17980000/- ( 620000 यू.एस. डॉलर) के निर्यात बायदे के साथ जारी किए गए थे। अग्रिम ने अग्रिम लाईसेंस (सीमाशुल्क प्रयोजन प्रति) और केवल आयात के लिए डी ई ई सी की अनुमति प्रति के लिए इस आधार पर आवेदन किया है कि लाईसेंस डी ई ई सी बुक खो गई/गुम हुआ है। फर्म ने प्रेषित शपथपत्र भेजा है जिसके अनुसार पूर्वोक्त अग्रिम लाईसेंस बम्बई सीमाशुल्क प्राधिकारी के पास पंजीकृत कराया गया था और उसका अमरीकी डॉलर 189675.61 के लिए उपयोग किया गया था और लाईसेंस तथा डी ई ई सी बुक के मद्दे शेष लागत बोमा भाड़ा मूल्य 196033.99 यू.एस. डॉलर का उपयोग करना बाकी है। शपथपत्र में इस संबंध में घोषणा भी समाविष्ट की गई है कि उक्त लाईसेंस और डी ई ई सी बुक यदि बाद में मिल जाए तो उन्हें जारी करने वाले प्राधिकारी को लौटा दिया जाएगा।

इस पर मनुष्य होते हुए कि मूल अग्रिम लाईसेंस (सीमाशुल्क प्रयोजन प्रति) और केवल आयात के लिए डी ई ई सी बुक खो गई है। मैं अधोहस्ताक्षरी ने निर्देश दिया है कि अग्रिम लाईसेंस (सीमाशुल्क प्रयोजन प्रति) और केवल आयात के लिए डी ई ई सी बुक की अनुमति आवेदन को जारी की जाए। विदेश व्यापार (विकास और विनियमन) अधिनियम, 1992 की धारा 9 की उपधारा (4) में प्रदत्त अधिकारों का प्रयोग करते हुए मैं मूल अग्रिम लाईसेंस (सीमाशुल्क प्रति) और केवल आयात के लिए डी ई ई सी बुक को एतद्वारा निरस्त करता हूँ।

[फा. सं. 03/81/10/249/एम-93/डी ई ई एम/1/253]

आर. के. सूद, उपा महानिदेशक, विदेश व्यापार  
नूतन महानिदेशक, विदेश व्यापार

New Delhi, the 14th October, 1993

S.O. 2261.—M/s. Peico Electronics and Electricals Limited, Shivsagar Estate, Block A, Dr. Annie Besant Road, Worli, 7339 GI/93—2

Bombay-400018, were granted an Advance Licence No. P/1/1521772 dated 06-07-92 and DEEC Book No. 055547 dated 06-07-92 for a CIF value of Rs. 1,11,00,000 (US \$ 385610) with an export obligation of Rs. 17980000 (US \$ 620000) with a validity of 12 months from the date of issue. Now the firm have applied for grant of Duplicate of Advance Licence (Customs Purpose copy) and DEEC Book for the Import only on the ground that the licence and DEEC Book have been lost/misplaced. The firm have furnished necessary affidavit according to which the aforesaid Advance Licence was registered with Customs Authority at Bombay, and was utilised for US \$ 189576.61 and the balance CIF value against the licence and DEEC Book is US \$ 196033.99. A declaration has also been incorporated in the affidavit to the effect that if the said Advance Licence (Customs Purpose copy) and DEEC Book (for import) are traced or found later on, it will be returned to the issuing Authority.

On being satisfied that the original Advance Licence (Customs Purpose copy) and DEEC Book for imports only have been lost the undersigned directs that duplicate Advance Licence (Customs Purpose copy) and DEEC Book for import only should be issued to the applicant. I also, in exercise of the powers conferred in sub-clause (4) of Clause 9 of the Foreign Trade (Development and Regulation) Act, 1992 hereby cancel the original Advance Licence (Customs Purpose copy and DEEC Book for import only.

[F. No. 01/81/40/249/AM-93/DES-I/253]

R. K. SOOD, Dy. Director General of Foreign Trade  
for Director General of Foreign Trade

मानव संसाधन विकास मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 30 जून, 1993

का. प्रा. 2262--प्रखिल भारतीय तकनीकी शिक्षा परिषद अधिनियम, 1987 (1987 का 52) की धारा 3 की उप-धारा (1) के माध्यम पठित धारा 3 की उप-धारा (4) (क) द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा पा. एम. के. खन्ना को कार्यभार ग्रहण करने की तारीख से तीन वर्ष की अवधि के लिए प्रखिल भारतीय तकनीकी शिक्षा परिषद के अध्यक्ष के रूप में नियुक्त करती है।

[सं. एफ. 8-45/92-टी.डी. - 1]

वाई. एन. चतुर्वेदी, अपर सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT  
(Department of Education)

New Delhi, the 30th June, 1993

S.O. 2262.—In exercise of the powers conferred by Sub-Section (4)(a) of Section 3 read with Sub-section (1) of Section 4 of the All India Council for Technical Education Act, 1987 (52 of 1987), the Central Government hereby appoints Prof. S. K. Khanna as Chairman, All India Council for Technical Education from the date he assumes office, for a period of three years.

[No. F. 8-45/92-TD.I]

Y. N. CHATURVEDI, Addl. Secy.

कल्याण मंत्रालय

शुद्धि-पत्र

नई दिल्ली, 14 अक्टूबर, 1993

का. प्रा. 2263--भारत के राजपत्र अध्यापन खंड-2 भाग-3 उपभाग-(2) दिनांक 30 अप्रैल, 1993 में प्रकाशित भारत सरकार के कल्याण मंत्रालय में सांख्यिक आदेश 285(ई) दिनांक 30 अप्रैल, 1993 की अधिसूचना में :-

- (1) क्रम सं. (2) तथा उससे संबंधित प्रविष्टि के सामने "श्री सलमान खुरशीद" के स्थान पर "श्री सलमान खुरशीद" पढ़ा जाए।
- (2) क्रम सं. (9) तथा उससे संबंधित "श्री अब्दुल अज़ीज जारगर" के स्थान पर "श्री अब्दुल अज़ीज जारगर" पढ़ा जाए।
- (3) क्रम सं. (18) तथा उससे संबंधित प्रविष्टि के सामने "श्री तारीक अनवर भूतपूर्व संसद सदस्य, जी-21 निजामुद्दीन पश्चिम" के स्थान पर "श्री तारीक अनवर भूतपूर्व संसद सदस्य, पार्क इन्व्यू अनवर पोखर पटना -800004, बिहार" पढ़ा जाए।

[एफ संख्या 8 (1) / 93 वकफ]

शाशि भूषण, उप सचिव

## MINISTRY OF WELFARE

## CORRIGENDUM

New Delhi, the 14 October, 1993

S.O.2263.—In the notification of the Government of India in the Ministry of Welfare, S.O. 285(E), dated the 30th April, 1993 published in the Gazette of India, Extraordinary, part-II, Section 3, Sub-section (ii), dated 30th April, 1993,—

- (i) against serial number for "Shri Salman Khurshed" (2) and the entry relating thereto, read "Shri Salman Khurshid"
- (ii) against serial number for "Shri Abdul Azeez Zarger" (9) and the entry relating thereto, read "Shr Abdul Aziz Zargar"
- (iii) against serial number for "Shri Tariq Anwar Ex-Member of Parliament, G-21, Nizamuddin West, New Delhi-110013" (18) and the entry relating thereto, read "Shri Tariq Anwar, Ex-member of Parliament, Park view Bhanwar Pokhar, Patna-800004 Bihar."

[F.No. 8(1)/93-Wakf]

SHASHI BHUSHAN, Dy. Secy.

## परमाणु उर्जा विभाग

वर्म्बई, 1 अक्टूबर, 1993

क्र. आ. 2264—सरकारी परिसर अनाधिकृत अधिभोगियों को बेदखली अधिनियम, 1971 (1971 का 40वा) के अनुच्छेद 3 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार त.बे दी गई तालिका के कालम-1 उल्लिखित अधिकारी को राजपत्रित अधिकारी होने के कारण उक्त अधिनियम के प्रयोजन हेतु संघा अधिकारी नियुक्त करती है। बं उक्त तालिका के कालम (2) में सरकारी परिसर के संबंध में निर्दिष्ट अपने क्षेत्राधिकारी की स्थानीय सीमाओं में उक्त अधिनियम के अंतर्गत श्रवण द्वारा संघा अधिकारी की दिए हुए कार्य तथा प्रदत्त शक्तियों का प्रयोग करेंगे।

## तालिका

कालम-1

कालम-2

अधिकारी का नाम	सरकारी परिसर की श्रेणी एवं क्षेत्राधिकारी की स्थानीय सीमाएं
प्रशासनिक अधिकारी ग्रेड-III प्रगत प्रौद्योगिकी केन्द्र परमाणु उर्जा विभाग, इंदौर, मध्य प्रदेश	इंदौर में प्रगत प्रौद्योगिकी केन्द्र, परमाणु उर्जा विभाग इंदौर, मध्य प्रदेश के श्रवण पट्टे पर श्रवण नियंत्रणाधीन परिसर।

[मं. 5/82/93/सी ए टी/आर एंड डी-1/1385]

टी. रामानुजम्, श्रवर सचिव

## DEPARTMENT OF ATOMIC ENERGY

Bombay, 1st October, 1993

S.O.2264.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the officer mentioned in column 1 of the Table below being a Gazetted Officer of the Government, to be estate Officer for the purposes of the said Act, who shall exercise the powers conferred, and perform the duties imposed on estate Officer by or under the said Act within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said Table :

## TABLE

Column 1 Designation of the Officer	Column 2 Categories of Public Premises & local limits of jurisdiction
Administrative Officer Grade-III Centre for Advanced Technology of Department of Atomic Energy at Indore, Madhya Pradesh	Premises in Indore belong- ing to or leased to or under control of Centre for Advanced Technology Department of Atomic Energy, Indore, Madhya Pradesh.

[JNo. 5/82/93/CAT/R&amp;D-I/1385]

T. RAMANUJAM, Dy. Secy.

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 15 अक्टूबर, 1993

क्र. आ. 2265—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में ऐसा आवश्यक है कि गुजरात राज्य में कांठला से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा में होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाईपलाइन बिछाई जाए।

और ऐसा प्रतीत होता है कि उक्त पाईपलाइन बिछाने के प्रयोजन के लिए इन अधिसूचना में उपाय्यक अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है, अतः श्रव केन्द्रीय सरकार,

पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने में आपत्ति लिखित रूप में श्री जी. बी. मोदी, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कांडला भटिन्डा पाइपलाइन परियोजना, पहली मंजिल, शांति काम्पलेक्स, स्टेट हाईवे, डाकघर सिधपुर, जिला मेहसाणा (गुजरात) को कर सकेगा।

## अनुसूची

तहसील : भनाउ जिला : कच्छ राज्य : गुजरात				
गांव का नाम	सर्वे संख्या	क्षेत्रफल		
		हेक्टर	घारे	वर्ग मीटर
1	2	3	4	5
शिवलखा	702/1	00	25	68
	708	00	05	70
	699/2	00	05	70
	700	00	37	06
	695/1	00	18	53
	694/2	00	11	54
	689/2	00	42	87
	691	00	38	49

[सं. आर.-31015/39/93 ओ. आर.-1]

कुलदीप सिंह, अवर सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 15th October, 1993

S.O. 2265.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab via Rajasthan and Haryana, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri G. V. Modi, Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, First Floor, State Highway, P.O. Sidhpur, District Mehsana (Gujarat).

## SCHEDULE

Tehsil : Bhachau District : Kutch State : Gujarat				
Name of village	Survey No.	Area		
		Hec-tare	Arc	Square metres
1	2	3	4	5
Shivlakha	702/1	0	25	66
	708	0	05	70
	699/2	0	05	70
	700	0	37	06
	695/1	0	18	53
	694/2	0	11	54
	689/2	0	42	87
	691	0	38	49

[No. R-31015/39/93-O.R-I]  
KULDIP SINGH, Under Secy.

नई दिल्ली, 15 अक्टूबर, 1993

का. आ. 2266.—केंद्रीय सरकार को यह प्रतीत होता है कि लोक हित में ऐसा आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना में उपावद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है, अतः अब केंद्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितवद्ध कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने में आपत्ति लिखित रूप में श्री जी. बी. मोदी, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, कांडला भटिन्डा पाइपलाइन परियोजना, पहली मंजिल, शांति काम्पलेक्स, स्टेट हाईवे, डाकघर सिधपुर, जिला मेहसाणा (गुजरात) को कर सकेगा।

## अनुसूची

तहसील : बड़गाम जिला : बनावकाटा राज्य : गुजरात				
गांव का नाम	सर्वे संख्या	क्षेत्रफल		
		हेक्टर	घारे	वर्ग मीटर
1	2	3	4	5
तेनीवाडा	275	00	30	93
राजोसना	17	00	20	75
मज्जादर	340	00	02	18

[सं. आर.-31015/39/93 ओ.आर.-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 15th October, 1993

S.O. 2266.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab via Rajasthan and Haryana, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri G. V. Modi, Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, First Floor, State Highway, P.O. Sidhpur, District Mehsana (Gujarat).

## SCHEDULE

Tehsil : Vadgam District : Banaskantha State : Gujarat				
Name of village	Survey No.	Area		
		Hec-tare	Are	Square metres
1	2	3	4	5
Tenivada	275	0	30	93
Rajosana	17	0	20	75
Majadar	340	0	02	18

[No. R-31015/39/93-OR-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 15 अक्टूबर, 1993

का. भा. 2267.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए;

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग के अधिकार का भर्जन करना आवश्यक है, अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का भर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का भर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितरक्षक कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता की उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का भर्जन या भूमि में पाइपलाइन बिछाने में आपत्ति लिखित रूप में श्री जी. वी. मोदी, सक्षम प्राधिकारी, इंडियन आयल कॉर्पोरेशन लिमिटेड, कांडला

भटिन्डा पाइपलाइन परियोजना, पहली मंजिल शापिंग कॉम्प्लेक्स, स्टेट हाईवे, शकूर सिधपुर, जिला मेहसाना (गुजरात) को कर संकेता।

अनुसूची

तहसील : सातलपुर जिला : बनारसकांठा राज्य : गुजरात				
गांव का नाम	सर्वे गण्य	क्षेत्रफल		
		हेक्टर	आरे	वर्ग मीटर
परसुद	258	00	28	80

[नं. आर-31015/39/93-आर-1]

कुलदीप सिंह, अवर सचिव

New Delhi, the 15th October, 1993

S.O. 2267.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab via Rajasthan and Haryana, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri G. V. Modi, Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, First Floor, State Highway, P.O. Sidhpur, District Mehsana (Gujarat).

## SCHEDULE

Tehsil : Santalpur District : Banaskantha State : Gujarat				
Name of village	Survey No.	Area		
		Hec-tare	Are	Square Metres
1	2	3	4	5
Parsund	258	0	28	80

[No. R-31015/39/93-O.R-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 15 अक्टूबर, 1993

का. भा. 2268.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में ऐसा आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिन्डा तक राजस्थान और हरियाणा से होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जाए,

और ऐसा प्रतीत होता है कि उक्त पाइपलाइन बिछाने के प्रयोजनों के लिए इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित भूमि के उपयोग

के अधिकार का अर्जन करना आवश्यक है, अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पार्श्वलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में निम्नलिखित कोई व्यक्ति राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पार्श्वलाईन बिछाने में आपत्ति लिखित रूप में श्री जी. वी. मोदी, सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड, कान्ढला-भटिन्डा पार्श्वलाईन परियोजना पहली मंजिल शांति काम्प्लेक्स, स्टेट हाईवे, डाकघर सिधपुर जिला मेहसाना (गुजरात) को कर सकेगा।

## अनुसूची

तहसील सिधपुर	जिला मेहसाना	राज्य गुजरात			
गांव का नाम	सर्वे संख्या	क्षेत्रफल			
		हेक्टर	घारे	वर्ग मीटर	
1	2	3	4	5	
सुजानपुर	104/1	00	29	63	
	108	00	05	74	
	105	00	14	02	

[सं. आर.-31015/34/93-ओ. आर.-I]

कुलवीर सिंह, अवसर सचिव

New Delhi, the 15th October, 1993

S.O. 2268.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab via Rajasthan and Haryana, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri G. V. Modi, Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, First Floor, State Highway, P.O. Sidhpur, District Mehsana (Gujarat).

## SCHEDULE

Tehsil : Sidhpur District : Mehsana State : Gujarat				
Name of village	Survey No.	Area		
		Hec-tare	Arc Square	Metres
1	2	3	4	5
Sujanpur	104/1	0	29	63
	108	0	05	74
	105	0	14	02

[No. R-31015/39/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 15 अक्टूबर, 1993

का. आ. 2269. —केन्द्रीय सरकार को यह प्रतीत होता है कि पंजाब राज्य में पेट्रोलियम का राजस्थान और हरियाणा से होकर पेट्रोलियम को परिवहन के लिए इंडियन आयल कारपोरेशन लिमिटेड द्वारा पार्श्वलाईन बिछाई जाए।

और ऐसा प्रतीत होता है कि उक्त पार्श्वलाईन बिछाने के प्रयोजन के लिए इस अधिसूचना में उल्लिखित भूमि में उपयोग के अधिकार का अर्जन करना आवश्यक है, अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पार्श्वलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) को धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

उक्त अनुसूची में वर्णित भूमि में निम्नलिखित कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां जनता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पार्श्वलाईन बिछाने में आपत्ति लिखित रूप में श्री जी. वी. मोदी, सक्षम प्राधिकारी, इंडियन आयल कारपोरेशन लिमिटेड कान्ढला भटिन्डा पार्श्वलाईन परियोजना, पहली मंजिल, शांति काम्प्लेक्स स्टेट हाईवे, डाकघर सिधपुर, जिला मेहसाना (गुजरात) को कर सकेगा।

## अनुसूची

तहसील पावनपुर	जिला बनारस	राज्य गुजरात			
गांव का नाम	सर्वे संख्या	क्षेत्रफल			
		हेक्टर	घारे	वर्ग मीटर	
1	2	3	4	5	
कानोदर	301	00	02	18	
पावनपुर	807	00	02	18	
	838	00	02	18	
	844	00	02	18	
	753/1	00	02	18	

1	2	3	4	5
कोटडा-चांदगढ़	62	00	02	18
	51/1	00	02	18
	53	00	02	18
	47 1/2	00	02	18
	39/1	00	02	18
जैथी	188	00	02	18
	95/12	00	03	41
	95	00	05	59
सरोतरी	21/6	00	01	90
	21/1/2	00	01	96
झंझरवाव	14	00	02	18
	94	00	02	18
धोलीया	199	00	02	18
	241	00	00	93
	243/1	00	01	90
धनपुरा	25	00	04	36
	18	00	01	24
खुनिया	14	00	02	10
	74	00	02	18
	76	00	01	29
	107	00	00	75
	81	00	02	18
अमिरगढ़	28/2	00	03	85
दुंगरपुरा	7	00	04	36
	42	00	02	04
	43	00	02	04
	45	00	00	40
	47	00	01	48
निचलोबंद	55/1	00	02	18
	55/2	00	02	18
अवल	265	00	02	18
	238	00	02	18
	239	00	04	36
	225	00	04	36

[सं. अर.-31015/39/93-ओ. अर.-I]

कुलदीप सिंह, सचिव

New Delhi, the 15th October, 1993

S.O.2269.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab via Rajasthan and Haryana, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962

(50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user thereon or laying of the pipeline under the land to Shri G. V. Modi, Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, First Floor, State Highway, P.O. Sidhpur, District Mehsana (Gujarat).

## SCHEDULE

Tehsil : Palanpur District : Banaskantha State : Gujarat				
Name of village	Survey No.	Area		
		Hec-	Are	Sq. Mts.
1	2	3	4	5
Kanodar	301	0	02	18
Palanpur	807	0	02	18
	838	0	02	18
	844	0	02	18
	753/1	0	02	18
Kotda-Chandgad	62	0	02	18
	54/1	0	02	18
	53	0	02	18
	47 1/2	0	02	18
	39/1	0	02	18
Jethi	188	0	02	18
	95/12	0	03	41
	95	0	05	59
Satotari	21/6	0	01	90
	21 1/2	0	01	96
Jhanjharav	14	0	02	18
	94	0	02	18
Dholia	199	0	02	18
	241	0	00	93
	243/1	0	01	90
Dhanpura	25	0	04	36
	18	0	01	24
Khuniya	14	0	02	10
	74	0	02	18
	76	0	01	29
	107	0	00	75
	81	0	02	18
Amirgadh	28/2	0	03	85
Dungarpura	7	0	04	36
	42	0	02	04
	43	0	02	04
	45	0	00	40
	47	0	01	48
Nichlobandh	55/1	0	02	18
	55/2	0	02	18
Aval	265	0	02	18
	238	0	02	18
	239	0	04	36
	225	0	04	36

[No. R-31015/39/93-O.R.-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 15 अक्टूबर, 1993

का. प्रा. 2270.—केन्द्रीय सरकार को यह प्रतीत होता है कि लोक हित में ऐसा आवश्यक है कि गुजरात राज्य में कांडला से पंजाब राज्य में भटिन्दा तक राजस्थान और हरियाणा में होकर पेट्रोलियम के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाईपलाइन विछाई जाए ;

और ऐसा प्रतीत होता है कि उक्त पाईपलाइन विछाने के प्रयोजन के लिए इस अधिसूचना में उपाखण्ड अनुसूची में वर्णित भूमि के उपयोग के अधिकार का अर्जन करना आवश्यक है, अतः अब केन्द्रीय सरकार, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग के अधिकार का अर्जन करने के अपने प्राणय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितवन् कोई व्यक्ति, राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां अवता को उपलब्ध करा दिए जाने की तारीख से 21 दिन के भीतर उनमें उपयोग के अधिकार का अर्जन या भूमि में पाईपलाइन विछाने में बाधित लिखित रूप में श्री जी. बी. मोदी, सक्षम प्राधिकारी, इंडियन ऑयल कार्पोरेशन लिमिटेड, कांडला भटिन्दा पाईपलाइन परियोजना पहली मंजिल, शांति काभनेक्स स्टेट हाईवे, डाकघर-मिधपुर जिला मेहसाणा (गुजरात) को कर सकेगा।

## अनुसूची

तहसील	राजपत्र	जिला	बनामकांडा	राज्य : गुजरात
गांव का नाम	सर्वे संख्या	क्षेत्रफल	हैक्टर	वर्ग मीटर
1	2	3	4	5
सातुन	234	00	00	73
	170	00	00	73
राधनपुर	276	00	24	24
	275/ए	00	28	51
	301/4	00	19	96
	283/ए एण्ड बी	00	18	53
	272 ए/3	00	19	96
	272 ए/5	00	11	40
	272 ए/6	00	35	64

[सं. आर. 31015/39/93-ओ आर-I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 15th October, 1993

S.O. 2270.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Kandla in the State of Gujarat to Bhatinda in the State of Punjab via Rajasthan and Haryana, pipeline should be laid by the Indian Oil Corporation Limited;

And whereas it appears that for the purpose of laying such pipelines it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification, as published in the Gazette of India, are made available to general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri G. V. Modi, Competent Authority, Indian Oil Corporation Limited, Kandla-Bhatinda Pipeline Project, First Floor, State Highway, P.O. Sidhpur, District Mehsana (Gujarat).

## SCHEDULE

Tehsil : Radhanpur		District : Banaskantha		State : Gujarat	
Name of village	Survey No.	Area			
		Hec- tare	Are	Square Metres	
1	2	3	4	5	
Satun	234	0	00	73	
	170	0	00	73	
Radhanpur	276	0	24	24	
	275/A	0	28	51	
	301/4	0	19	96	
	283/A&B	0	18	53	
	272A/8	0	19	96	
	275A/5	0	11	40	
	272A/6	0	35	64	

[No. R-31015/39/93-O.R-I]

KULDIP SINGH, Under Secy.

## शुद्धिपत्र

नई दिल्ली, 15 अक्टूबर, 1993

का. प्रा. 2271.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के राजपत्र भाग-2 खण्ड-3 उपखण्ड (ii) के पृ. सं. 4486 से 4489 पर प्रकाशित भारत सरकार की पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 2684 तारीख 4 अक्टूबर, 1990 द्वारा केन्द्रीय सरकार के उस अधिसूचना से संलग्न अनुसूची में संलग्न भूमि का अधिग्रहण करने की अपने प्राणय की सूचना दी थी।

और जबकि का. प्रा. सं. 1140 तारीख 29-5-93 सुप्रण संश्लेषी सुटियों को रोक करने के लिए जारी किया गया था।

और जबकि केन्द्रीय सरकार की जानकारी में यह लाया गया है कि राजपत्र में उक्त अधिसूचना के प्रकाशन में त्रुटि की कुछ सुटियां रह गई हैं।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम के संलग्न अनुसूची में निम्नलिखित संशोधन करती है :—

पृष्ठ संख्या 1535 : शुद्धि पत्र के 19वीं लाईन में "गांधीराजपुरा" के स्थान पर "माधोराजपुरा" पढ़ें। 22वीं लाईन में "बिजोडा" के स्थान पर "चिन्तोडा" पढ़ें।

उपरोक्त संशोधन में से संबंधित किसी भी भूमि से हितवन् कोई व्यक्ति इस अधिसूचना के जारी होने के 21 दिन के अंदर उक्त पूरी

भूमि के अथवा उसके किसी भाग के अधिग्रहण पर अथवा उक्त अधिनियम की धारा 5 की उपधारा (1) की व्यवस्था के अनुसार ऐसी किसी भूमि पर किसी प्रकार के अधिकार अधिग्रहण पर आपत्ति कर सकता है।

स्पष्टीकरण :

इस अधिसूचना के द्वारा संशोधित भूमि, खसरा नं. और क्षेत्रफल की बाबत ही उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार इक्कीस दिन की उक्त अवधि इस अधिसूचना के भारत के राजपत्र में प्रकाशित होने की तारीख से प्रारम्भ होगी।

[सं. आर.-31015/33/93 ओ. आर.-I]

कुलदीप सिंह, अवर सचिव

गुडिपत्र

नई दिल्ली, 21 अक्टूबर, 1993

का. आ. 2272.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) के पृष्ठ सं. 4470 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 2683, तारीख 01 अक्टूबर, 1990 द्वारा केन्द्रीय सरकार की उक्त अधिसूचना के साथ संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने की अपने आशय की सूचना दी थी;

और मुद्रण संबंधी त्रुटियों को ठीक करने के लिए भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) के पृष्ठ सं. 3060 पर एक अधिसूचना का. आ. सं. 1903, तारीख 4 जून, 1992 प्रकाशित करके ठीक करने के लिए जारी की गई थी;

और अब पुनः केन्द्रीय सरकार की जानकारी में यह लाया गया है कि राजपत्र में प्रकाशित अधिसूचना के प्रकाशन में कुछ मुद्रण संबंधी त्रुटियां हो गई हैं;

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम संलग्न अनुसूची में निम्नलिखित संशोधन करती है :—

पृष्ठ संख्या 4475 : डाचर गांव के किला संख्या 296/15/2 के सामने, स्तम्भ 6 के नीचे, "4" के स्थान पर "—" पढ़ें।

उपर्युक्त संशोधन से संबंधित किसी भी भूमि में हितबद्ध कोई व्यक्ति इस अधिसूचना के जारी होने के 21 दिन के अन्दर उक्त पूरी भूमि के अथवा उसके किसी भाग के अधिग्रहण पर अथवा उक्त अधिनियम की धारा 5 की उपधारा (1) के उपबंधों के अनुसार ऐसी किसी भूमि पर किसी प्रकार के अधिकार अधिग्रहण पर आपत्ति कर सकता है।

स्पष्टीकरण :—इस अधिसूचना के द्वारा संशोधित भूमि, खसरा नं. और क्षेत्रफल की बाबत ही उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार इक्कीस दिन की उक्त अवधि इस अधिसूचना के जनता को उपलब्ध होने की तारीख से प्रारम्भ होगी।

[सं. आर.-31015/7/93—ओ. आर.-I]

कुलदीप सिंह, अवर सचिव

नई दिल्ली, 21 अक्टूबर, 1993

गुडिपत्र

का. आ. 2273.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) के पृष्ठ सं. 1738 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का. आ. 1053, तारीख 25 मार्च, 1991 द्वारा केन्द्रीय सरकार की उक्त अधिसूचना के साथ संलग्न अनुसूची में वर्णित भूमि का अधिग्रहण करने की अपने आशय की सूचना दी थी;

और मुद्रण संबंधी त्रुटियों को ठीक करने के लिए भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii) के पृष्ठ सं. 3057 पर एक अधिसूचना का. आ. सं. 1901, तारीख 4 जून, 1992 प्रकाशित करके ठीक करने के लिए जारी की गई थी;

और अब पुनः केन्द्रीय सरकार की जानकारी में यह लाया गया है कि राजपत्र में प्रकाशित अधिसूचना के प्रकाशन में कुछ मुद्रण संबंधी त्रुटियां हो गई हैं;

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम संलग्न अनुसूची में निम्नलिखित संशोधन करती है :—

पृष्ठ संख्या 1759 : खानपुर गांव के किला संख्या 21/18 के सामने, स्तम्भ 5 के नीचे, "14" के स्थान पर "4" पढ़ें।

उपर्युक्त संशोधन से संबंधित किसी भी भूमि में हितबद्ध कोई व्यक्ति इस अधिसूचना के जारी होने के 21 दिन के अन्दर उक्त पूरी भूमि के अथवा उसके किसी भाग के अधिग्रहण पर अथवा उक्त अधिनियम की धारा 5 की उपधारा (1) के उपबंधों के अनुसार ऐसी किसी भूमि पर किसी प्रकार के अधिकार अधिग्रहण पर आपत्ति कर सकता है।

स्पष्टीकरण :—इस अधिसूचना के द्वारा संशोधित भूमि, खसरा नं. और क्षेत्रफल की बाबत ही उक्त अधिनियम की धारा 5 की उपधारा (1) के निबंधनों के अनुसार इक्कीस दिन की



उक्त अधि इस अधिसूचना के जन्म को उपलब्ध होने की तारीख से प्रारम्भ होगी।

[सं. आर.-31015/7/93-ओ. आर.-I]

कुलदीप सिंह, अवर सचिव

गुटिपत्र

नई दिल्ली, 21 अक्टूबर, 1993

का.आ. 2274 :- केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाईप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 6 की उपधारा (1) के अधीन जारी और भारत के राजपत्र भाग 2 खण्ड-3, उपखण्ड (ii) की पृष्ठ संख्या 1569 और 1570 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना सं. का.आ. 1128 तारीख 29 मई 1993 द्वारा घोषित किया पेट्रोलियम के परिवहन के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए।

और जबकि केन्द्रीय सरकार के ध्यान में लाया गया है कि राजपत्र में प्रकाशित उक्त अधिसूचना में मुख्य संबंधी कुछ त्रुटियाँ हैं।

अतः अब, केन्द्रीय सरकार उक्त अधिसूचना से संलग्न अनुसूची में निम्नलिखित सुधारन करती है :-

पृष्ठ संख्या 1569 : दादिया गांव के खसरा नम्बर 248 के सामने क्षेत्रफल के हेक्टर स्तम्भ के नीचे "5" के स्थान पर "0" पढ़ें। खसरा नम्बर 185 के सामने क्षेत्रफल के एंश स्तम्भ के नीचे "01" के स्थान पर "06" पढ़ें।

पृष्ठ संख्या 1570 : खसरा नम्बर 90/4 के सामने क्षेत्रफल के हेक्टर स्तम्भ नीचे "5" के स्थान पर "0" पढ़ें।

यह और कि केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार केन्द्रीय सरकार में निहित होने के बजाय सभी विषयों में मुक्त होकर, इंडियन आयल कारपोरेशन लिमिटेड में निहित होगा।

[संख्या आर. 31015/36/93-ओ. आर.-I]

कुलदीप सिंह, अवर सचिव

गुटिपत्र

नई दिल्ली, 21 अक्टूबर, 1993

का. आ. 2275 — भारत सरकार के राजपत्र, भाग 2 खण्ड 3, उपखण्ड (ii) तारीख 29 मई 1993 के पृष्ठ संख्या 1567 पर भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की प्रकाशित अधिसूचना सं. का. आ. 1119 में तारीख 1040-0-01-80 से पूर्व तहसिल देपुरी, जिला पाली, राज्य-राजस्थान पढ़ें।

[संख्या आर- 31015 /37 /93 ओ.आर.-I]

कुलदीप सिंह, अवर सचिव

## CORRIGENDUM

New Delhi, the 21st October, 1993

S.O. 2275.—In the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S.O. No. 1119, dated the 29th May, 1993, published 2339 GI/93—3.

lished in the Gazette of India, Part II, Section 3, Sub-section (ii);

at page 1567-68, at page 1568 for the name of the district "Pal" read "Pali".

[No. R-31015/37/93-OR-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 21 अक्टूबर, 1993

का. आ. 2276— केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 खा (क) के अनुसरण में नीचे दी गई अनुसूची के स्तम्भ 1 में उल्लिखित प्राधिकारी को, उक्त अधिनियम के अधीन उक्त अनुसूची के स्तम्भ 2 में तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्रों के भीतर समस्त प्राधिकारी के कृत्यों का निर्वहन करने के लिए भी प्राधिकृत करती है अर्थात् :-

अनुसूची	
प्राधिकारी का नाम और पता	क्षेत्राधिकार
1	2
श्री जे.के. झा, वरिष्ठ परियोजना अभियन्ता इंडियन आयल कारपोरेशन लिमिटेड, कांडला भटिंडा पाइपलाइन प्रोजेक्ट फ्लैट नं. 1141 सेक्टर नं. 13, अरबन ईस्टेट, कानाल (हरियाणा)	हरियाणा और पंजाब राज्य (कांडला-भटिंडा पाइपलाइन प्रोजेक्ट और विरमगम-चाकसू-पानिपत पाइपलाइन प्रोजेक्ट)

[सं. आर-31015/42/93-ओ. आर.-I]

कुलदीप सिंह, अवर सचिव

New Delhi the 21st October, 1993

S.O. 2276.—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby also authorises the authority mentioned in Column 1 of the Schedule below to perform the function of the Competent authority under the said Act with the areas mentioned in the corresponding entry in column 2 of the said Schedule.

## SCHEDULE

Name and address of the authority	Area of jurisdiction
1	2
Sbri J.K. Jha, Senior Project Engineer, Indian Oil Corpn., Ltd., Kandla-Bhatinda Pipeline Project, Flat No. 1141, Sector 3, Urban Estate, KARNAL (Haryana)	State of Haryana and Punjab (Kandla-Bhatinda Pipeline Project and Viramgam-Chaksu-Panipat Pipeline Project)

[No. R-31015/42/93-OR-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 21 अक्टूबर, 1993

क्रा. प्रा. 2277—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइप लाइन भूमि में उपयोग के अधिकार का प्रजर्जन अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में नीचे दी गई अनुसूची के स्तम्भ 1 में उल्लिखित प्राधिकारी को उक्त अधिनियम के अधीन उक्त अनुसूची के स्तम्भ 2 में तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्रों के भीतर सक्षम प्राधिकारी के कृत्यों का निर्वहन करने लिए भी प्राधिकृत करती है अर्थात् :—

## अनुसूची

प्राधिकारी का नाम और पता	क्षेत्राधिकार
1	2
	राजस्थान
श्री बी. बी. प्रसाद, वरिष्ठ परियोजना अभियन्ता, इंडियन आयल कॉर्पोरेशन लिमिटेड, कान्दला भटिंडा पाइपलाइन प्रोजेक्ट, डी-45/बी सुभाष मार्ग, "सी" स्कीम, जयपुर-302001	हरियाणा और पंजाब राज्य (कान्दला भटिंडा पाइपलाइन प्रोजेक्ट और विरमगम-चाकगु-पानिपत पाइपलाइन प्रोजेक्ट)

[सं. धार-31015/42/93-ओ धार-I]

कुलदीप सिंह, धरर सचिव

New Delhi, the 21st October, 1993

S.O. 2277—In pursuance of clause (a) of section 2 of the Petroleum & Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the authority mentioned in column 1 of the Schedule below to perform the functions of the Competent Authority under the said Act within areas mentioned in the corresponding entry in column 2 of the said Schedule.

## SCHEDULE

Name and address of the authority	Area of jurisdiction
1	2
	RAJASTHAN
Shri B.B. Prasad, Senior Project Engineer, Indian Oil Corporation Ltd. Kandla-Bhatinda Pipeline Project D-45/B Subhash Marg, 'C'-Scheme, JAIPUR. 302001	(Kandla-Bhatinda Pipeline Project and Viramgam-Chakgu- Panipat Pipeline Project)

[No. R-3105/42/93-O.R.I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 21 अक्टूबर, 1993

क्रा. प्रा. 2278—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रजर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में नीचे

दी गई अनुसूची के स्तम्भ 1 में उल्लिखित प्राधिकारी को उक्त अधिनियम के अधीन उक्त अनुसूची के स्तम्भ 2 में तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्रों के भीतर सक्षम प्राधिकारी के कृत्यों का निर्वहन करने लिए भी प्राधिकृत करती है अर्थात् :—

## अनुसूची

प्राधिकारी का नाम और पता	क्षेत्राधिकार
1	2
श्री भार. एस चौहान, उपमंड्यक (निर्माण) इंडियन आयल कारपोरेशन लिमिटेड, और कान्दला भटिंडा पाइपलाइन प्रोजेक्ट, प्लॉट नं. 355 सेक्टर-12/बी, एम. भार. शाह चैम्बर्स, टैगोर रोड, गान्धिधाम (कच्छ) (गुजरात)	गुजरात राज्य (कान्दला-भटिंडा पाइपलाइन प्रोजेक्ट- विमगम-चाकगु-पानिपत पाइपलाइन प्रोजेक्ट)

[सं. धार.-31015/42/93 ओ-धार-I]

कुलदीप सिंह, धरर सचिव

New Delhi, the 21st October, 1993

S.O. 2278—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government thereby also authorises the authority mentioned in column 1 of the Schedule below to perform the functions of the Competent Authority under the said Act, within areas mentioned in the corresponding entry in column 2 of the said Schedule—

## SCHEDULE

Name and address of the authority	Area of Jurisdiction
1	2
Shri R.S. Chauhan, Deputy Manager (Construction) Indian Oil Corporation Ltd., Kandla Bhatinda Pipeline Project, Plot No. 355, Sector 12/B, M.R. Shah Chambers, Tagore Road, Gandhidham (Kutch) (GUJARAT)	GUJARAT (Kandla-Bhatinda Pipeline Project and Viramgam-Chakgu- Panipat Pipeline Project)

[No. R-31015/42/93-OR-I]

KULDIP SINGH, Under Secy.

नई दिल्ली, 21 अक्टूबर, 1993

क्रा. प्रा. 2279—केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रजर्जन) अधिनियम, 1962

(1962 का 50) की धारा 2 के खंड (क) के अनुसरण में और भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2500, तारीख 22 सितम्बर, 1990 और का.आ. 34, तारीख 4 जनवरी, 1992 को उन बातों के विधान जिन्हें ऐसे अधिकरण से पूर्ण किया गया है या किया जाने का लोप किया गया है अधिकांश करने हुए नीचे दी गई अनुसूची के स्तम्भ 1 में वर्णित प्राधिकारियों को, उक्त अनुसूची के स्तम्भ 2 में दी गई तत्स्थानी प्रविष्टि में वर्णित क्षेत्रों के भीतर उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का पालन करने के लिए प्राधिकृत करती है अर्थात् :—

## अनुसूची

प्राधिकारी का नाम और पता	क्षेत्राधिकार
1	2
श्री श्री राम वर्मा डिप्टी कलेक्टर (प्रतिनिधित्व पर), इंडियन आयल कारपोरेशन लिमिटेड, कांडला-भटिंडा पाइपलाइन परियोजना, प्लॉट नं. डी. 45/बी सुभाष मार्ग, "सी" स्कीम, जयपुर (राजस्थान)	राजस्थान राज्य (कांडला-भटिंडा पाइपलाइन परियोजना और विरमगम चाकसू पानपन कांडला-भटिंडा पाइपलाइन परियोजना, पाइपलाइन परियोजना)
श्री नन्द लाल शर्मा, तत्स्थानी अधिकारी (प्रतिनिधित्व पर) इंडियन आयल कारपोरेशन लिमिटेड कांडला-भटिंडा पाइपलाइन परियोजना, डी 45/बी, सुभाष मार्ग "सी" स्कीम, जयपुर (राजस्थान)	(कांडला-भटिंडा पाइपलाइन परियोजना और विरमगम-चाकसू-पानपन पाइपलाइन परियोजना)

[सं. आर.-31015/48/93 ओ.आर.-I]

कुलदीप सिंह, अवर सचिव

New Delhi, the 21st October, 1993

S.O. 2279—In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), and in supersession of the Notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 2500, dated the 22nd September, 1990 and No. S.O. 34 dated the 4th January, 1992 except as respects things done or omitted to be done before such supersession, the Central Government hereby authorises the authorities mentioned in column 1 of the Schedule below to perform the functions of the Competent Authority under the said Act, within areas mentioned in the corresponding entry in column 2 of the said Schedule, namely:—

## SCHEDULE

Name and address of the Officer	Area of jurisdiction
1	2
1. Shri Ram Verma Deputy Collector (on deputation)	State of Rajasthan for Kandla-Bhatinda Pipeline Project and Viramgam-

1

2

Indian Oil Corporation Ltd., Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, JAIPUR (Rajasthan)	Chakso-Panipat Pipeline Project.
2. Shri Nandlal Sharma Tehsildar (on deputation) Indian Oil Corpn. Ltd., Kandla-Bhatinda Pipeline Project, D-45/B, Subhash Marg, 'C' Scheme, JAIPUR (Rajasthan)	State of Rajasthan for Kandla-Bhatinda Pipeline Project and Viramgam-Chakso-Panipat Pipeline Project

[No. R-31015/48/93-OR-I]

KULDIP SINGH, Under Secy.

## CORRIGENDUM

New Delhi, the 21st October, 1993

S.O. 2280.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas No. S.O. 141, dated the 23rd January, 1993, published in the Gazette of India, Part II, Section 3, Sub-section (ii), at page 191 to 196, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government gave notice of its intention to acquire the lands specified in the Schedule appended to that notification;

And whereas, it has been brought to the notice of the Central Government that certain errors of printing nature have occurred in the publication of the said notification in the Gazette;

Now, therefore, in exercise of the powers conferred by sub-section (i) of section 3 of the said Act, the Central Government hereby amends the Schedule appended to the said notification as follows :

at page 194, in village 'Upli', against Killa no. 2131/2, in column 6, for '8' read '85' ;

Any person interested in any land in respect of which the above amendment has been issued, may within twenty one days of the issue of this notification, object to the acquisition of the whole or any part of the said land or any right in or over such land in terms of sub-section (1) of section 5 of the said Act.

Explanation :—In respect of the lands, killa nos. and area amended through this notification only, the said period of twenty one days in terms of sub-section (1) of section 5 of the said Act starts running from the date the notification is made available to the public after publication in the Gazette.

[No. R-31015/46/93-O.R.-I]

KULDIP SINGH, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 12 अक्टूबर, 1993

का. आ. 2281—केंद्रीय सरकार, भारतीय वायुविज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, तारीख 16 जनवरी, 1960 में का. आ. 138, तारीख 9 जनवरी,

1960 द्वारा प्रकाशित भारत सरकार में तत्कालीन स्वास्थ्य मंत्रालय की अधिसूचना का निम्नलिखित और संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में, "धारा 3 की उपधारा (1) के खंड (क) के अधीन नामनिर्दिष्ट" शीर्ष के नीचे क्रम संख्या 4 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और प्रविष्टियाँ रखी जाएंगी, अर्थात्:-

"4 डा. ओंकार सक्सेना,  
डाक्टरों क्वार्टर्स

एस. एम. एस. अस्पताल कैम्पस, जयपुर"

[सं. बी.-11013/8/93-एम ई (यू जी)]  
सुषेण कुमार शाही, डैस्क अधिकारी

## MINISTRY OF HEALTH & FAMILY WELFARE

(Department of Health)

New Delhi, the 12th October, 1993

S.O. 2281.—In exercise of the powers conferred by sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government hereby makes the following further amendments in the notification of the Government of India in the erstwhile Ministry of Health, Published vide S.O. 138, dated the 9th January, 1960, in the Gazette of India, dated the 16th January, 1960, namely :-

In the said notification, under the heading "Nominated under clause (a) of sub-section (1) of section 3", for serial number 4 and the entries relating thereto the following serial number and entries shall be substituted, namely :-

"4. Dr. Onkar Saxena,  
Doctor's Quarters,  
S.M.S. Hospital Campus,  
Jaipur."

[No. V-11013/8/93-ME(UG)]  
S. K. SHAHI, Desk Officer

## शहरी विकास मंत्रालय

### सार्वजनिक सूचना

नई दिल्ली, 25 अक्टूबर, 1993

का. आ. 2282.—केन्द्रीय सरकार द्वारा दिल्ली की मास्टर प्लान/क्षेत्रीय विकास प्लान में प्रस्तावित निम्नलिखित संशोधन एतद्वारा जनसाधारण की सूचनायें प्रकाशित किये जाते हैं। यदि किसी व्यक्ति को कोई आपत्ति हो या कोई सुझाव देना हो तो वह इस नोटिस के जारी होने की तारीख से तीस दिन की अवधि के भीतर सचिव, शहरी विकास मंत्रालय, निर्माण भवन, नई दिल्ली को लिख सकता है। आपत्ति अथवा सुझाव देने वाला व्यक्ति अपना नाम और पता भी लिखे।

### संशोधन :

"ग्राम छत्तरपुर, दिल्ली में सी-डोट की 48 एकड़ भूमि के भू-उपयोग को "ग्रामीण उपयोग" से "सार्वजनिक तथा अर्ध सार्वजनिक (संस्थापित) उपयोग" में बदलने का प्रस्ताव

है। जिसके उत्तर में माण्डो गांव को जाने वाली सड़क है।

उपरोक्त संशोधन निम्नलिखित शर्तों के अधीन होगा :

(i) भूमि-उपयोग के परिवर्तन से नगर निगम आदि के लिए कथित भूमि पर प्रस्तावित परिसर में जनसुविधाएं उपलब्ध कराना बाध्यकारी नहीं होगा।

(ii) सी-डोट हा सेवाओं का उपयोग तभी कर पायेगा जब सम्बन्धित स्थानों निकायों द्वारा सामान्य क्षेत्र को म्यूनिसीपल सेवाएं और जनसुविधाएं उपलब्ध करायी जायेंगी।

(iii) सी-डोट में कोई परिवर्तन प्रभार लगाया/वसूल नहीं किया जाएगा।

(iv) इस क्षेत्र का विकास दिल्ली के मास्टर प्लान 2001 के विकास कोड के प्रावधानों के अनुसार होगा। तथापि व्यापक ग्रामीण क्षेत्रों को ध्यान में रख कर आस-पास की इमारतें कम ऊंचाई और कम सघनता वाली होनी चाहिये, जो चतुर्विक्त के ग्रामीण परिवेश के अनुसार हों।

(v) जब कमो भवन बनाये जाएं तो यथा व्यवहृत अन्तर्राष्ट्रीय विमान पत्तन प्राधिकरण आदि के यथा प्रयोज्य के ऐसे अन्य विनियमों के अनुसार होंगे। और

(vi) परिसर का विकास करते समय पड़ुच मार्ग (ग्रामीण सड़क) के बीच से समान दूरी पर आवश्यक रास्ता छोड़ना होगा।

2. प्रस्तावित संशोधन वाला नक्शा निरीक्षण हेतु उल्लिखित अवधि के दौरान सभी कार्य दिवसों को अवर सचिव (आई बी) के कार्यालय, दिल्ली प्रभाग, कमरा नं. 312-सी, निर्माण भवन, नई दिल्ली में उपलब्ध होगा।

[सं. के.-13011/11/93-डी डी I-बी]  
एस. सी. सागर, अवर सचिव

## MINISTRY OF URBAN DEVELOPMENT PUBLIC NOTICE

New Delhi, the 25th October, 1993

S.O. 2282.—The following modification which the Central Government proposes to make to the Master Plan/Zonal Development Plan for Delhi, is hereby published for public information. Any person having any objection or suggestion may write to the Secretary, Ministry of Urban Development, Nilman Bhawan, New Delhi, within a period of thirty days from the date of issue of this notice. The person making the objection or suggestion should also give his name and address.

### MODIFICATION :

"The land use of 48 acres of land belonging to C-DOT at village Chhattarper, Delhi, bound on the north-eastern side by the road going towards Mandi village, is proposed to be changed from "rural use" to "public and semi-public (institutional) use"

The above modification is subject to the following conditions:

- Such a change in land use shall not make it obligatory to the Municipal Corporation etc. to provide utilities to the proposed complex on the said land.
- C-DOT can avail of such services as and when Municipal services and utilities are extended by the Local concerned bodies to the general area.

(iii) No conversion charge are to be levied/charged from C.DOT.

(iv) The development of the area will be guided by the provisions of the development code of Master Plan of Delhi 2001. However, in view of the general rural areas surrounding development should be low rise and low intensity, blending with the surrounding rural environment.

(v) Buildings as and when constructed, shall be according to such other regulations of the International Airports Authority, etc. which may apply; and

(vi) Necessary right of way equi-distant from the centre of the approach road (rural road) shall be left while developing the campus.

2. The plan indicating the proposed modification will be available for inspection at the office of the Under Secretary (II), Delhi Division, Ministry of Urban Development, Room No. 312-C, Nirman Bhawan, New Delhi, on all working days within the period referred to above.

[No. K-13011/11/93-DDIB]  
S. C. SAGAR, Under Secy.

जन-सूचना परियोजना मंत्रालय

नई दिल्ली, 11 अक्टूबर, 1993

का. आ. 2283.--भारत सरकार, निम्नलिखित कार्यालयों को, बड़ा 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यमात्रक ज्ञान प्राप्त कर लिया है और जो इस मंत्रालय के प्रशासनिक नियंत्रण में हैं, राजधानी (संगत सरकारी उद्देश्य के लिए, पयों) निमावनी, 1976 के नियम 10 के उप नियम (4) के तहत अधिसूचित कर्ता है।

(1) निदेशक (क्षेत्रीय), दीपघर एवं दीपघोष विभाग, कोचीन।

(2) निदेशक (क्षेत्रीय), दीपघर एवं दीपघोष विभाग, जामनगर।

[का. सं. ई-11011/5/93-हिन्दी]

आर. एल. चौधरी, उप सचिव

## MINISTRY OF SURFACE TRANSPORT

New Delhi, the 11th October, 1993

S.O. 2283.--In pursuance of Sub-rule (4) of Rule 10 of the Official Language (use for the official purposes of the Union) Rules, 1976, the Government of India hereby notifies the following offices under the administrative control of the Ministry of Surface Transport where 80 per cent of staff have acquired working knowledge in Hindi.

1. Director (Regional), Department of Lighthouse & Lightships, Cochin.

2. Director (Regional), Department of Lighthouse & Lightships, Jamnagar.

[F. No. 11011/5/93-Hindi]

R. L. CHAUDHARY, Dy. Secy.

धरा मंत्रालय

नई दिल्ली, 30 अक्टूबर, 1993

का. आ. 2284.--औद्योगिक विवाद अधिनियम, 1947 (1947 का 11) की धारा 17 के अनुसूचन में एन सी सी एल के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैशरावाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-93 को प्राप्त हुआ था।

[संख्या एल-22012/166/89-आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 30th September, 1993

S.O. 2284.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 29-9-93.

[No. L-22012, 166/89-IR(C-II)]

RAJA LAL, Desk Officer

## ANNEXURE

### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDRABAD

#### PRESENT :

Sri. Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.  
Dated, 4th day of September, 1993

Industrial Dispute No. 84 of 1989

#### BETWEEN

The Workmen of S.C. Co. Ltd.,  
Ramagundam Division, P.O.,  
Godavarikhani.

.. Petitioner.

#### AND

The Management of S.C. Co. Ltd.,  
Ramagundam Division, P.O. Godavarikhani,  
Karimnagar.

.. Respondent.

#### APPEARANCES :

Sri R. N. Reddy, Advocate--for the Petitioner.

S/Sri K. Srinivasa Murthy, G. Sudha, V. Ranea Reddy  
& Ch. Praveen Choudari, Advocates--for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(166)/89-IR(C-II) dt. 20-11-1989 referred the following dispute under Section 10(1)(d) (2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. Singareni Collieries Company Limited, Ramagundam Division and their workmen to this Tribunal for adjudication :

"Whether the action of the Management of M/s. Singareni Collieries Co. Ltd., Project, Ramagundam Division, PO: Godavarikhani, Dist. Karimnagar in not granting Cat. V w.e.f. 1-1-1982 and non-payment of arrears from 1-1-82 to 29-3-1984 to Sri K. Venkateswarlu, E. P. Fitter OCP-I, Ramagundam Division is justified? If not, to what relief the workmen concerned is entitled?"

This reference is registered as Industrial Dispute No. 84 of 1989 and notices were issued to both the parties.

2. The brief facts of the claim statement filed by the Petitioner read as follows.--It is submitted that the workman Sri. K. Venkateswarlu is an I.T.I. Certificate Holder in Tractor Mechanic Trade and joined the service of the S. C. Company Limited, the Respondent herein, on 6-1-1978 as an apprentice. After successful completion of the two years Apprenticeship period under Apprenticeship Act, he was appointed as Apprentice Tractor Mechanic under Respondent dt. 20-9-80 along with Sri Kanaka Raju and Sri K. Satyanarayana. And on successful completion of this Apprenticeship period he was called for a test to absorb in Category IV vide reference dt. 12-10-81 along with Sri Kanaka Raju and Satyanarayana K. On passing the test he was designated as Fitter w.e.f. 1-12-1981 vide letter dt. 8-2-1982. The Management entered into a Settlement with

the Union on 26-6-1984 and the item No. 6 of it reads as follows :—

**"Demand No. 5 Implementation of Cat. V Wages :**

It is agreed that all Moulders, Turners, Armature Winders Motor Mechanics, Plumbers and Welders will now start with Cat. V with effect from 1-1-82 provided that these persons were designated as such, or performing duties as prescribed for these categories as per the Wage Board Recommendations NCWAs."

It is submitted that as per the above settlement Sri K. Kanaka Raju and K. Satyanarayana were placed in Cat. V w.e.f. 1-1-1982 vide reference dt. 10-1-85 and dt. 25-3-85 respectively. Whereas Sri K. Venkateswarlu was not placed in Cat. V. Therefore Sri Venkateswarlu put up an application under Grievance procedure Stage II to the Addl. C.M.E. and he replied stating that the Tractor Mechanic is not a trade covered by settlement dt. 26-6-87. All efforts were made with higher authorities but in vain. The Management also contended that since Sri Venkateswarlu was given Grade 'D' w.e.f. 30-3-1984 i.e. prior to the date of agreement (26-6-84) he is not entitled for Cat. V. It is true to say that Sri Venkateswarlu was given grade 'D' from 30-3-1984 but it is no way make him ineligible for Cat. V until he got Grade 'D'. It is submitted that Sri Ahmed Shreef, Welder who was given Grade 'D' from 1-3-1982 was given Cat. V just for two months. Therefore it is submitted that the Management intentionally denied the Cat. V to Sri Venkateswarlu. It is submitted that Sri Venkateswarlu is basically from Tractor Mechanic Trade. But was designated as Fitter. However he worked on the jobs of Engine Overhaul, Gear Box repairs and such allied repairs which are similar to Motor Mechanic and hence entitled to the Cat. V from 1-1-1982 to 29-3-1984. It is prayed that this Hon'ble Court be pleased to declare that Sri K. Venkateswarlu is entitled for Cat. V with effect from 1-1-1982 to 29-3-1984 and direct the Respondent to place Sri Venkateswarlu in Cat. V with effect from 1-1-1982 and pay the arrears from 1-1-1982 to 29-3-1984.

3. The brief facts of the counter filed by the Respondent read as follows : It is true that Sri K. Venkateswarlu is having I.T.I. Certificate in Tractor Mechanic Trade and he was appointed as Apprentice in September, 1980. It is submitted as Sri K. Kanakaraju and Sri Satyanarayana were performing jobs of Motor mechanic they were placed in Category V w.e.f. 1-1-1982 by virtue of the settlement dt. 26-6-1984 whereas Sri Venkateswarlu was working as Fitter Category IV. As such the settlement is not applicable to him and he was not given Cat. V. Sri K. Kanakaraju and Sri K. Satyanarayana were performing the duties of Motor Mechanic and they were placed in Cat. V as per the settlement. The petitioner cannot compare his case with them as he was not working or appointed as motor mechanic during that relevant period, taking lower category salary. The management was right in not placing Sri K. Venkateswarlu in Cat. V. It is true that Sri Venkateswarlu made a representation to the Management and authorities concerned and also gave a representation on 31-1-1987 and 2-1-1987 and the officials concerned called the petitioner and explained him that the placement in Category V was given to those who have actually worked as motor mechanics and as this petitioner has not worked as motor mechanic he is not eligible for Cat. V. In spite of explaining the factual position he raised a dispute under grievance procedure stage-2 to the Addl. Chief Mining Engineer who clearly informed the petitioner that the Tractor Motor mechanic trade is not covered by the settlement dt. 26-6-1984. The allegation that Sri Venkateswarlu basically from Tractor Mechanic Trade and carried out the jobs of Engine Overhaul, Gear Box repairs and such allied repairs is not correct and he was working as a Fitter. The petitioner was discharging the job of Fitter and but not that of a motor mechanic. It is respectfully submitted that the petitioner is seeking promotion to higher category and no employee is having a right to make a demand for promotion to a higher post. It is the supervising authorities and managerial staff who are looking after the work of the workmen to assess the skill, eligibility and suitability of an employee for a particular job. The managements would be promoting its employees on merit-

cum-seniority basis as per the available vacancies. There is no vacancy in the category of motor mechanic in higher grade nor at any point of time the petitioner discharged the higher category duties to compare his case with other workmen. As such the allegation that Sri Venkateswarlu is not considered for promotion and others, Sri K. Kanakaraju and Sri K. Satyanarayana were promoted, is not correct. The petitioner cannot compare his case with others who are totally on different footing. The petitioner is not entitled for promotion to Cat. V much less for arrears from 1-1-1982 to 29-3-1984.

4. W.W1 was examined on behalf of the Petitioner-workman and marked Exs. W1 to W27. On the other hand M.W1 to M.W3 were examined and marked Exs. M1 to M3 on its side.

5. The point for adjudication is whether the action of the Respondent-Management in not granting Cat. V w.e.f. 1-1-1982 and non-payment of arrears from 1-1-1982 to 29-3-1984 to Sri K. Venkateswarlu, E. P. Fitter OCP-I, Ramagundam Division is justified ?

6. W.W1 is the concerned workman in this I.D. He deposed that he joined the services of the Respondent as apprentice Tractor Mechanic on 6-1-1978. He passed S.S.C. and I.T.I. Tractor Mechanic. After passing tests, later he was appointed as Fitter in Cat. IV as per the office order dt. 8-2-1982. On 26-6-1984 there was a settlement between the S. C. Company Workers Union and the Management of the Respondent. As per Clause 6 of the Settlement in Ex. W4 it is agreed that all moulders, turners, armature winders, motor mechanics, plumbers and welders will now start with Cat. V with effect from 1-1-1992 provided that these persons were designated as such or performing duties as prescribed for those categories as per the Wage Board recommendations NCWAs. As per Clause 6 of the settlement in Ex. W4 Sri Kanaka Raju was given Cat. V w.e.f. 1-1-1982 as per the office order dt. 10-1-1985. Sri K. Satyanarayana was given Cat. V as per the office order dt. 25-3-1985 and the photostat copy of the said order is Ex. W6. He was not given Cat. V as per the Settlement in Ex. W4. The Union submitted a representation dt. 27-11-1987 to the management in respect of his case. The Management did not give any reply to the representation given by the Union in Ex. W12. So the Union submitted a representation dt. 19-12-1987 to the Asst. Commissioner of Labour (Central) for conciliation. He is doing the job of motor mechanic and the certificate was issued to that effect by the Div. Engineer Base Workshop Open Cast Project, Ramagundam on 8-12-1982. The Sr. Div. Engineer, Base Workshop, O.C.P.I. Ramagundam gave a service certificate dt. 6-8-1989 stating that he is working as Fitter Auto. Ex. W21 is the photostat copy of the service certificate dt. 12-3-1980 issued by the Chief Transport Officer, S. C. Company Limited, Kothagudem. Ex. W22 is the Photostat copy of the reference made by Sr. D.E. (B.W.) O.C.R-G- dt. 21-8-1986. In Ex. W22 it is noted that Sri Md. Nazceruddin, Sri M. Narayana and Sri N. Gopal Reddy are working as Motor Mechanics. Four persons from out of 6 persons in Ex. W22 were given Cat. V as per the settlement in Ex. W4 and he was not given Cat. V. One Md. Rasheed and nine others were given Cat. V as per the office order dt. 10-5-1986 applying the settlement in Ex. W4. On 30-3-1984 he was given Grade 'D' from Cat. IV. He prays that an award may be passed declaring that he is entitled for category V w.e.f. 1-1-1982 and direct the Respondent to place him in Cat. V w.e.f. 1-1-1982 and pay him the arrears of salary from 1-1-1982.

7 M.W1 is P. Kulash Rao. He deposed that the Respondent is having two types of workshop namely, Area Workshop and Based Workshop. The nature of work in Area Workshop is preparing the tubs and repairing motors etc. The nature of work in based workshops is repairing the heavy earth moving machine of the open Cast mine. The work load in Based workshop is totally different from main workshop and automobile workshops. In Automobile workshop, the fitters attending to repairs of light vehicles like lorries, cars and jeeps. The special training will be given to the fitters to work in based workshops. The service engineers of the company supplied with equipment will be giving training for the fitters in the based work.

shop. W.W1 was given such training to work in the based workshop for a period of 2 1/2 years. Thereafter he was given excavation 'D' Grade. Fitters working in Automobile workshop will not given such training. Ex. M1 is the extract of the standardisation Committee's job description with regard to the fitters in open cast and the ordinary fitters working in automobile and other workshops. Ex. M2 is the photostat copy of the settlement dt. 3-3-1989 entered into between the management and all the Unions with regard to cadre scheme for tradesmen.

8. M.W2 is Vivek Sahasra Buddha. He deposed that he is the head Section of Base Workshop with regard to repairs of Earth Moving Machinery. He knows the workman in this dispute. He is working as excavation plant Fitter in the Open Cast Mines, Earth Moving Equipment are deployed for production of coal. So excavation plant fitter has to repair these machines. The Earth Moving Equipment is totally different from ordinary automobiles. These machines have very high horse power engines, hydraulic Transmission, Power Steering. In Area Workshop the underground Mining Machines such as tubs, Haulers, Electric Motors, Drill machines etc. will be repaired. There is a sub-section called as Automobile Garage attached to the area workshop. In this automobile garage Jeeps, Trucks and Cars and light vehicles will be repaired. An ordinary Fitter cannot directly carry out the nature of works in the base workshop, where earth moving machinery is repaired, they require special training. Sri Venkateswarlu workmen in this case was given training about 2 1/2 years. The said Fitter was given on the job training under the supervision of an Engineer and he was one of the Engineer given training. The petitioner never protested while he was undergoing training. The promotion channel for the E. P. Fitter are different from the other fitters working in the Area workshop. The Area Workshop Fitters are I.T.I. Training Motor Mechanics and Diesel Mechanics. Over and above this I.T.I. Training they gave special training for repairs of Earth Moving Machinery. When E. P. Fitter grade was given to the petitioners there was no dispute raised by the petitioner to be put with the Area Workshop Fitters. In Area Workshop their promotions are on Category-wise and not on E. P. Grade Wise.

9. M.W3 is Sri J. Shyam Babu. He deposed that he is now working in Open Cast Project I, RG-2 Area. There are Fitters in IV, V and VI Categories. The nomenclature was given along with the job description to the Fitter as per the Wage Board. Sri K. Venkateswarlu was holding certificate of I.T.I. Tractor Motor Mechanic. Sri Venkateswarlu was posted at Base Workshop as Fitter in Cat. IV. Kanakaraju and Satyanarayana are posted at Auto Garage. Sri Kanakaraju and Satyanarayana are doing the jobs of Motor Mechanic. Sri Venkateswarlu who was working at Base Workshop is looking after the work heavy earth moving machines. K. Venkateswarlu has not work at any time as Motor Mechanic in any workshop. Sri K. Venkateswarlu has not come in the purview of the settlement dt. 26-6-1984 to avoid the benefit of Cat. V. The promotion is normally from Cat. VI to Cat. V.

10. The claim of Sri Venkateswarlu is based on Clause No. 6 of the Settlement dt. 26-6-1984 (Ex. W4) under Section 12(3) of the I.D. Act. between the Singareni Collieries Workers Union and the Respondent Company. The said Clause read as follows :

"It is agreed that all Moulders, Turners, Armature, Winders, Motor Mechanics, Plumbers and Welders will now start with Cat. V w.e.f. 1-1-1982 provided that these persons were designated as such or performing duties as prescribed for these categories as per the Wage Board Recommendations (N.C.W.As). The Petitioner claim that he and other two persons namely Kanaka Raju and K. Satyanarayana are Tractors Mechanics by trade and were appointed as Company Apprentices and later absorbed as Category IV Fitters. Whereas Kanakaraju and K. Satyanarayana are given Category V as per the above settlement and he was not given. Further he claims that Ex. W19, W20 and W22 establish that he performed the jobs of the Motor Mechanic. Further the petitioner claim that in Ex. W22 names of W.W1, Nazeeruddin, Narayana, Gopal Reddy are shown as performing similar works, whereas all others are given Cat. V (Ex. W23) but not the Venkateswarlu. Further the petitioner

claims that another Tractor Mechanic by name Vasantha Kumar was also given Cat. V through Ex. W24. Further the petitioner claim that through Ex. W26 one Ahmed Shareef was given Cat. V for two months.

11. On the other hand, the Respondent company contested the above claim mainly on the ground that the reference is stale and related which has been made after about 9 years of the alleged claim. Further they contended that the Cat. V will be given to persons who put up 3 years in Category IV subject to assessment. They further state that Venkateswarlu perform different work then that of Kanaka Raju and Satyanarayana.

12. After perusal of the documents I find that the claim of the petitioner is based on documents mainly pertaining to the Respondent-Company and the Respondent did not dispute the same. There is no iota of evidence to show that Kanaka Raju and Satyanarayana are doing different jobs than that of Venkateswarlu. Neither Kanaka Raju nor Satyanarayana nor any superiors under whose control they work were examined to believe the contention of the Respondent. Further the contention of the Respondent that the reference is bad since it is stale cannot be accepted since the matter was under active consideration of the Respondent from the beginning which is clear from Ex. W7 to W18. From Ex. W14 it is clear the conciliation was closed on a promise given by the Respondent to consider the case of Venkateswarlu. Therefore the decision relied on by the Management as reported in Vazir Sultan Tobacco 1964 (1) I.L.J. page 622 has not relevance to the facts of this case. Further Ex. W4 Settlement did not lay any conditions such as previous experience and also assessment reports etc. Therefore I am inclined to accept the contention of the petitioner and I have no hesitation to hold that Venkateswarlu is entitled for the Category V post with effect from 1-1-1982 and for arrears of payment from 1-1-1982 to 29-3-1984.

13. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Project, Ramagundam Division, P.O. Godavari Khani, Dist. Kurnool, is not granting Category V w.e.f. 1-1-1982 and non payment of arrears from 1-1-1982 to 29-3-1984 to Sri Venkateswarlu E. P. Fitter OCP-I, Ramagundam Division is not justified. The Respondent-Management is directed to grant Category V to K. Venkateswarlu from 1-1-1982 and also pay the arrears for the period from 1-1-1982 to 29-3-1984 within two months from the date of publication of this Award.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal

#### Appendix of Evidence

Witnesses Examined, for the Petitioner/ Workmen :	Witnesses Examined, for the Respondent/ Management :
W.W1—K. Venkateswarlu	M.W1.—P. Kailasa Rao M.W2.—Vivek Sahasra Budha M.W3.—J. Shyam Babu.

#### Documents marked for the Petitioner/Workmen :

Ex. W1/12-10-81.—Trade Test letter Reg. Trade test for Company Apprentices to Category IV Rs. 350 P.M. Xerox copy.

Ex. W2/8-2-82.—Office Order dated No. P.R.G. V/5F1168 Xerox copy.

Ex. W3/21/23-12-81.—Office Order dated No. P.R.G. 113/2023. Xerox copy.

- Ex. W4/26-5-84.—Memorandum of Settlement.  
Xerox copy.
- Ex. W5/10-1-85.—Office Order dated Ref. No. PRG/5F/81.  
Xerox copy.
- Ex. W6/25-3-85.—Xerox copy of Office Order PKA 36/37/495.
- Ex. W-7/30/31-8-87.—Grievance letter dated Request for appropriate category E. P. Fitter, O.C.P.I.  
Xerox copy.
- Ex. W-8/2-9-87.—Office letter Ref. No. D.E.B.W. OC/1302/1792  
Xerox copy.
- Ex. W9/7-9-87.—Grievance letter request for appropriate category to E. P. Fitter, O.C.P.I.—Xerox copy.
- Ex. W10/24/27-9-87.—Xerox copy of letter Ref. No. POC/87/79/1081.
- Ex. W11/20-9-87.—Xerox copy of grievance letter. Request for appropriate category to E. P. Fitter O.C.P.I.
- Ex. W12/27-11-87.—Xerox copy of Union letter Ref. No. GDK/SCMK/87/510 Appropriate category to E. P. Fitter of O.C.P.I.
- Ex. W13/19-12-87.—Xerox copy of Union letter Ref. No. GDK/SC MKS/87/778 Appropriate category to E. P. Fitter of O.C.P.I. Ramagundem Area.
- Ex. W14/11-5-87.—Xerox copy of Minutes of discussion No. 1-2-88-E3.
- Ex. W15/24-5-88.—Xerox copy of Grievance letter Request for appropriate category to E. P. Fitter O.C.P.I.
- Ex. W16/25-9-88.—Xerox copy of Union letter Ref. No. S.C.M.K.S/GDK/88/102.
- Ex. W17/1-12-88.—Xerox copy of Union letter Ref. No. SCMK/GDK/126—Appropriate Category to E. P. Fitter of O.C.P.I. Ramagundem Area (P).
- Ex. W18/14-4-89.—Minutes of the conciliation File No. 1/86/88.E3 Xerox copy.
- Ex. W19/8-12-82.—Xerox copy of Service Certificate Ref. No. DE/BW/OC/410/1031.
- Ex. W20/6-3-89.—Xerox copy Service Certificate Ref. No. Sr./DE/BW/OC/410/1490.
- Ex. W21/12-3-80.—Xerox copy of Service Certificate Ref. No. CTO/1/36.
- Ex. W22/21-8-86.—Xerox copy of office letter Ref. Sr. DE B1/OC/309.
- Ex. W23/02-11-89.—Xerox copy of office order Ref. No. PRG(P)/5A/2287.
- Ex. W24/07-1-88.—Xerox copy of office order Ref. No. PRG 1/5E/85.
- Ex. W25/10-5-86.—Xerox copy of office order Ref. P(PM)49/3369/1350.
- Ex. W-26/22-7-84.—Xerox copy of Order PRG V/69/84/760
- Ex. W27/20-9-80.—Xerox copy of office order Ref. CTEA1.9/80/6727.

Documents marked for the Management/Respondent.

- Ex. M1.—Xerox copy of the Extract of JBCCI.
- Ex. M2.—Xerox copy of the Settlement dt. 3-3-89.
- Ex. M3.—Booklet of Joint Bipartite Committee for the coal industry.

नई दिल्ली, 30 सितम्बर 1993

का. प्रा. 2285:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूचन में एस सी सी एल के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निरिद्ध औद्योगिक विवाद

में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद को पंचद को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-93 द्वारा था

[संख्या एल 22012/280/89 आई आर सी 2)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 30th September, 1993

S.O. 2285.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C Ltd. and their workmen, which was received by the Central Government on 29-9-93.

[No. L-20012/280/89-IR (C-II)]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERA-

BAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L.,  
Industrial Tribunal-I

Dated : 4th day of September, 1993

Industrial Dispute No. 8 of 1990

BETWEEN :

The Workmen of S.C. Co. Ltd.,  
Mandamarri, Adilabad Dist. A.P.

..Petitioner

AND

The Management of S.C. Co. Ltd.,  
Mandamarri, Adilabad Dist. A.P.,

...Respondent

APPEARANCES :

Sri R. N. Reddy, Advocate for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocate for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-22012(280)/89-IR (C-II), dt. 19-2-1990 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of M/s. S.C. Company Limited, Mandamarri and their workmen to this Tribunal for adjudication :

"Whether the action of the management of M/s. S.C. Co. Ltd., MM Area in not confirming Sri R. B. Shaie, General Mazdoor as Coal Sampling Mazdoor is justified ? If not, to what relief the workmen concerned is entitled ?"

This reference was registered as Industrial Disputes No. 8 of 1990 and notices were issued to both the parties.

2. The brief facts of the claims statement filed by the Petitioner read as follows :—

It is submitted that Sri Ram Bahadur Shaie, concerned workman in this dispute was appointed by the Respondent as General Mazdoor with effect from 1-1-1978 and he was asked to work at K.K.I Coal Screening Plant, Mandamarri. It is submitted that Sri R. B. Shaie was asked to perform the duty of making the samples right from his date of appointment as General Mazdoor. Further it is submitted that he has been provided with two category I mazdoors as helpers to make samples. That Sri R. B. Shaie has performed his duties to the utmost satisfaction of his superiors. And that the



Senior Executive Engineer, K.K.I. C.S.P. recommended his case through reference dt. 31-5-87 for designating him as Sampling Mazdoor as the post then called was. Sri R. B. Shaie represented the matter to the concerned authorities several times for designating him as Sampling Mazdoor. And that he approached the Union for espousing his cause as the authorities did not consider his representation. It is submitted that one Sri Kande Gattaiah, General Mazdoor, who has little experience than R. B. Shaie was designated as Sampling Assistant, Cat. II with effect from 1-9-1988 vide reference dated 17-1-1989 and posted at R.K.I. C.S.P. and that R. B. Shaie, represented the matter to all concerned authorities asking to designate him as Sampling Assistant, but his request was not considered. And that R. B. Shaie filed a writ petition No. 940 of 1990 in the Hon'ble High Court of A.P. and the same was admitted on 30-1-1990 and on W.P. M.P. No. 1180 of 1990 two weeks notice was ordered and that later other side counsel took time to file counter for three times. And that later it was brought to the notice of the counsel Sri R. B. Shaie that a dispute has been referred to this Hon'ble Tribunal. On verification it is noted that the following industrial dispute has been referred by the Central Government. It is submitted that it is brought to the notice of the Hon'ble High Court but the reference is only with regard to Sampling Mazdoor but whereas the writ petition is filed claiming the promotion as Sampling Assistant Cat. II. However the Hon'ble High Court dismissed the W.P.M.P. No. 1180 of 1990 on 16-4-1990 observing that since the I.D. pending before the Tribunal no direction can be given for considering the case of the petitioner for promotion as Sampling Assistant. Sri R. B. Shaie has been given the Cat. II w.e.f. 1-7-80 as he has completed ten years of service in Cat. I vide office order dt. 30-3-1990. That right from the date of appointment i.e. from 1-1-1978 Sri R. B. Shaie was performing the job of making Coal Samples to the full satisfaction of his superiors. And that the said job workers were designated to start with as Sampling Mazdoors and given Cat. I wages. Likewise the case of R.B. Shaie was also recommended for designating him as Sampling Mazdoors by the Senior E.E. vide reference dated 31-5-1987. But later one Sri Kande Gattaiah, Mazdoor Cat. I was designated as Sampling Assistant, Cat. II vide reference dt. 17-1-1989. And the Sri Kande Gattaiah had very little experience when compared to the 12 years experience of R. B. Shaie. And that aggrieved by this wilful discrimination R. B. Shaie filed the W.P. 940/90 which is pending in the Hon'ble High Court and the direction petition in W.P.M.P. No. 1180/90 was dismissed on 16-4-1990 since no direction can be granted pending this ID. It is submitted that later R. B. Shaie is given Cat. II w.e.f. 1-7-89 on completion of 10 years service in Cat. I vide Office order dt. 30-3-90. It is submitted that the issue remains in this dispute is only to designate R. B. Shaie as Sampling Assistant for which he is entitled due to his continuous acting in the said post. It is prayed that this Hon'ble Tribunal be pleased to direct the respondent to designate R. B. Shaie as Sampling Assistant right from his date of appointment i.e. from 1-1-78 and to pay the arrears from 1-1-1978 to 30-6-1989.

3. The brief facts of the counter filed by the Respondent read as follows—The allegation that Sri Ram Bahadur Sahie was asked to perform the duty of making the samples rights from his date of appointment as General Mazdoor is not correct. There is no technically or skill involved in picking a coal piece to make a sample because it is only to cut into a small size. As such there is no such cadre of sampling Mazdoor. The allegation that the workman in dispute was proved with two general mazdoors as helpers to make samples is not correct. Depending upon the quantity of samples to be collected and basing upon the urgency and railways instructions additional man power is deployed in Cat. I to discharge duties. There is no skill involved in collection the samples or in making the samples. It may be noticed in the nomenclature of the posts there is no such post as "Sampling Mazdoor" in the Singareni Collieries Company Limited in the Coal Screening Plant. It is respectfully submitted Sri Ram Bahadur Sahie case cannot be compared with that of Sri Kande Gattaiah, General Mazdoor. It may be noticed Kande Gattaiah is working as a Sampling Assistant in Analytical Laboratory since 1982. He also performing the duties like while weight in also he is assisting chemists. That was the reason Kande Gattaiah in the year 1988 was designated as Sampling Assistant, Ram Bahadur Sahie never dis-

charged these functions nor there is any critical or analytical work done by Ram Bahadur Sahie nor is there scope for Ram Bahadur Sahie to discharge those duties. It is true that Ram Bahadur Sahie filed W.P. No. 940/90 before the Hon'ble High Court and also simultaneously got referred this dispute to this Hon'ble Court for adjudication. Accordingly Ram Bahadur Sahie completed to 10 years of service by 1989 and an order has been issued on 30-3-1990 placing him in Category II with effect from 1-7-1989. As a General Mazdoor he was discharging the duties of collecting coal pieces for making samples. The allegation those jobs were designated as Sampling Mazdoor and Category I wages are paid is not correct. On the contrary, it is General Mazdoor Cat. I who is posted to discharge the sampling work and the Cat. I General Mazdoors can be posted in any post of unskilled work. If they are designated as Sampling Mazdoors, etc. they do the sampling work and not other jobs. The allegation that Sri Kande Gattaiah has a little experience compared to 12 years experience of Sri Ram Bahadur Shaie is not correct as Ram Bahadur Sahie never performed works in analytical laboratory. In view of National Coal Wage Agreement IV recommendations the Respondent issued a Circular on 2-6-1989 with regard to designation of Sampling Mazdoor in Cat. I where the qualifications prescribed are matriculation/SSC, they also in permitted for relaxation but not for an illiterate. So question of he be designated as Sampling Mazdoor does not arise. There is no hardship cause to the petitioner nor is there any irreparable loss suffered by him. In the reference the designation in question was referred as 'Sampling Mazdoor' but the Union in their prayer is claiming the designation of 'Stamping Assistant'. There are no merits in the petitioner case. In view of the above mentioned facts this Hon'ble Court may be pleased to dismiss the claim statement.

4. W.W.1 was examined on behalf of the Petitioner and marked Exs. W1 to W3. On the other hand M.W. 1 and M.W. 2 were examined on behalf of the Respondent and marked Exs M 1 to M 2.

5. The point for adjudication is whether the action of the Respondent Management in not confirming Sri R. B. Shaie General Mazdoor as Coal Sampling Mazdoor is justified.

6. W.W-1 is one Ram Bahadur Shaie. He deposed that he is the concerned workman in the case. He joined as General Mazdoor in the Respondent on 1-1-1978 and he was posted at K.K.I.C.S.P. Mandamarri. He was working as Sample Mazdoor from the date of appointment. The work of Sample Mazdoor is collection of coal samples from the railway wagons and send the sample to the laboratory. He was given to assistants for his work. He was made to discharge the work of sample Mazdoor though he was appointed as General Mazdoor. The Executive Engineer recommended his name for the job of sample mazdoor in the letter dt. 31-5-1987. But he was not given the post of sample mazdoor. Later one K. Gattaiah was given the post of Sample Assistant Cat. II under the office order dt. 17-1-1989. The said K. Gattaiah was working in the mine and he was transferred to C.S.P. for three months and later he was promoted as Sampling Assistant under Ex. W 2 order. So he reported the matter to the workers union and the workers union espoused his cause. After he completed 10 years service in Cat. I he was given Cat. II post as per the office order dt. 30-3-1990. He prays the Court to direct the management of the Respondent to confirm him as Coal Sampling Mazdoor.

7. M.W-1 is G. Ailaiah. He deposed that he has been working as Dy. Personnel Manager at Mandamarri in the Respondent since 3 years. W.W.1 was appointed as General Mazdoor at K.K.I.C.S.P. Mandamarri on 1-1-1978. There is no designation like Sampling General Mazdoors. The samples of coal are collected for sending them to the Electrical Laboratory to find out the carbon-content in the coal and also to find out the quality and grade of the coal. No technically is involved for collecting the coal samples. Any general mazdoor can be posted for collection of samples of coal. For the purpose of identification, the collecting of coal sample mazdoor is popularly called as sample mazdoor and there is no designation specifically as sample mazdoor. There is no practice of giving any assistance to general mazdoor. There is a difficulty in designating the general mazdoor as sample mazdoor because if a general mazdoor is designated as sampling mazdoor work and the in the

chargeability of the general mazdoors from one type of work to the other type of work will be lost. Ex. M2 is the circular dt. 2-6-1989 issued by the General Manager (Personal) inviting applications to fill up the vacancies of sampling mazdoors in quality control and grading department, fixing qualifications as S.S.C. The sampling mazdoor job is different from the sampling assistant job. There is no post of sampling assistant at C.S.P. The sampling assistant job existing in Analytical Laboratory Kande Gattaiah is working as Sampling Assistant Area Analytical Laboratory in Ramakrishnapur, W.W.1 cannot perform all these jobs of a sampling assistant. There is no difference of salary of general mazdoors working in different type and the general mazdoor working for collection of samples.

8. M.W. 2 is R. Malakondaiah. He deposed that he knows the case of Rama Bahadur Shaie. He is aware of the work done at Analytical Laboratories of S.C. Rama Bahadur Shaie was working as General Mazdoor Cat. I at KKICSP. He used to carry the coal pieced up by the Inspector and he used to crush into powder along with other general mazdoors. The whole work is called Sampling. No special skill is required to carry out this work. These workers not only to test the coal samples but also test the dust samples and gas samples. They will heat the samples upto required temperature and they will transfer them to gatkets after weight in the samples.

9. The claim of the petitioner is that R. B. Shaie is working as Sampling Mazdoor right from his appointment as General Mazdoor on 1-1-1978 but was not confirmed as Sampling Mazdoor although others who have not worked as Sampling Mazdoor were given higher post of Sampling Assistant. Further the basis his claim on a recommendation by the concerned Executive Engineer.

10. On the other hand the management contended the claim stating that R. B. Shaie is working in collections of the coal from the Railways Wagons and makes samples under the direction of the Railway Officers and the said work can be done by any General Mazdoor and no special skill is required. Further Kande Gattaiah was given Sampling Assistant job in Analytical Laboratory. Further the Sampling Mazdoor designation is introduced in 1985. Further there is no post of Sampling Mazdoor in Coal Screening Plant.

11. The undisputed facts in this industrial dispute are R. B. Shaie was appointed on 1-1-1978 as General Mazdoor and was collecting coal and making samples from that day. There is no difference in wages in both the categories of Sampling Mazdoor and General Mazdoor as both are Category I posts. The Sampling Mazdoor post was introduced from 1-1-1985. The Sampling Mazdoor post do not require any technical qualifications.

12. In the above circumstances I do not see any reasons why the management refused to confirm R. B. Shaie as Sampling Mazdoor since the said post neither need any special skill nor any additional emoluments are to be paid. It is not the case of the management that R. B. Shaie is working other than the coal sample making except their apprehension that once R. B. Shaie is given the designation of Sampling Mazdoor he may not work as General Mazdoor. I cannot agree with this apprehension since no such difficulty arose for the last 15 years i.e. from 1-1-1978. Ex. W1 also leads me to such conclusion. Therefore I am of the clear view that R. B. Shaie is entitled for confirmation as Sampling Mazdoor from 1-1-1985. In support of the petitioner's case there is reported decision of Hon'ble Supreme Court reported in 1990 Labour and Industrial cases page 126 wherein their Lordships held that the persons are entitled for confirmation in the posts they are working if they had an experience of three years even if they are not passing the educational qualifications required for the post. This tribunal is left with no alternative except to confirm R. B. Shaie as Sampling Mazdoor from 1-1-1985.

13. In the result, the action of the management of M/s. S.C. Company Limited, MM Area in not confirming Sri R.B. Shaie, General Mazdoor as Coal Sampling Mazdoor is not justified. Sri R.B. Shaie is entitled to be confirmed as Coal Sampling Mazdoor w.e.f. 1-1-1985.

Award is passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

Appendix of Evidence

Witnesses Examined on behalf of the Petitioner/Workmen :

W.W.1 Ram Ram Bahadur Shaie.

Witnesses Examined on behalf of the Respondent/Management :

MW-1—G. Ailiah

M.W.2 R. Malakondaiah

Documents marked for the Petitioner/Workmen

Ex. W-1/31-5-87—Photostat copy of the letter addressed by the Sr. Executive Engineer, K.K. No. C.S.P. to the Chief Quality Control and Grade, Kothagudem with regard to Sri Ram Bahadur Shaie, General Mazdoor.

Ex. W2.—17-1-88.—Photostat copy of the Office Order issued by the G.M.R.K.P., with regard to Sri K. Gattaiah, General Mazdoor Analytical Laboratory is hereby promoted as Sampling Assistant w.e.f. 1-9-1988.

Ex. W3.—Copy of the office order dt. 30-3-90.

Documents marked for the Respondent/Management :

Ex. M1.—Service Book of Ram Bahadur Shaie.

Ex. M2.—2-6-89.—Circular inviting application for internal candidates for vacancies of Sampling Mazdoor posts in Quality Control Grading Depot.

नई दिल्ली, 30 सितम्बर, 1993

का. प्र. 2286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) के धारा 17 के अन्वये में, केन्द्रीय सरकार एस एंड सी लि. के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण भुवनेश्वर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29/9/93 को प्राप्त हुआ था।

[संख्या एल-22012/232/88-ड-VI (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 30th September, 1993

S.O. 2286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. E. C. Ltd. and their workmen, which was received by the Central Government on 29-9-1993.

[No. L-22012/232/88-D.IV (B)]

RAJA LAL, Desk Officer

ANNEXURE

INDUSTRIAL TRIBUNAL, ORISSA, BHUBANESWAR  
PRESENT :

Sri R. K. Dash, LL.B., Presiding Officer,

Industrial Tribunal, Orissa, Bhubaneswar.

Industrial Dispute Case No. 13 of 1989 (Central)  
Bhubaneswar, the 14th September, 1993

BETWEEN

The management of M/s. Nandira Colliery of South-Eastern Coalfields Ltd., P.O. South Balanda, Dist. Dhenkanal.  
First party-management

## AND

Their workman Sri Abhay Kumar Rout, Village—Chalgarh, P. S. Colliery, P.O. Ghantapada, Dist. Dhenkanal represented through Orissa Coalfields Labour Union. .... Second party-workman.

## APPEARANCES :

Sri R. S. Sharma, Sr. Personnel Officer—for the first party-management.

Sri P. C. Sahoo, President of the Union—for the second party-workman.

## AWARD

The Government of India in the Ministry of Labour in exercise of powers conferred upon it by clause (d) of sub-section (1) and sub-section (2-A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) (for short 'Act') have referred the following dispute for adjudication vide their Order No. L-22012/232/88-D.IV (B) dated 21-6-1989 :—

"Whether the action of the management of Nandira Colliery of M/s. S. E. C. Ltd. in stopping Sri Abhaya Kumar Rout, Loader from duty w.e.f. 13-3-85 is justified ? If not, to what relief the workman concerned is entitled ?"

2. Shortly stated, the case of the workman is that he was appointed as a piece-rated loader in Deulbera Colliery in the year 1980. From there he was transferred to Handidhwa Colliery where he worked for a few months. Again from Handidhwa he was shifted to Nandira Colliery. Being so transferred though he joined there but could not continue to attend his duty since because he was ill for which he was admitted in the management's hospital for treatment. The treating physician being of the opinion that certain X-Ray examination was necessary referred him to the Regional Hospital, Talcher. There also X-Ray examination could not be conducted as the machine was out of order. So, he being advised went to the sub-divisional hospital, Talcher where he got himself treated from 24-4-84 to 14-2-85. On the next day i.e. on 15-2-85 he reported for duty with a medical certificate but the management refused him employment. He then took up the matter through his union but it was to of no effect. At least the labour machinery intervened and requested the management for an amicable settlement. The same also did not yield any result and the conciliation having failed the present reference was made to adjudicate the dispute. He, therefore, urges that his absence from duty being beyond his control for the reason mentioned above, he should be reinstated in service with full back wages.

3. Per contra, the case of the management is that the workman having joined his duty at Nandira Colliery on 1-3-84 remained absent from the next day till 14-3-84. Again on 15-3-84 he reported for duty and having worked for that day only again absented himself from duty for whole of the year. On 20-4-84, it is learnt, he reported sick at Colliery dispensary, Nandira wherefrom he was referred to the Regional Hospital, South Eastern Coalfields Ltd., Talcher on 24-4-84. Being so advised he ought to have appeared in the said hospital either on 25-4-84 or thereafter but he did not do so. He also did not report for duty nor he intimated the management about the reason of his absence. The plea taken by him that his X-Ray examination was conducted in the sub-divisional hospital and he underwent treatment there from 24-4-84 till middle of February 1985 is false and baseless. It is also untrue that after being cured he approached the management with a medical certificate and reported for duty and that he was not allowed to join. For his absence from duty without any reasonable and probable cause he was issued with a charge sheet which culminated in an enquiry. He was issued with a notice to attend the said enquiry to have his say but he did not. Ultimately, the enquiry was held ex parte on conclusion whereof he was found guilty of the charge. The authority thereafter on going through the enquiry report and the past antecedents of the workman terminated his service with effect from 13-3-85. With regard to his past conduct, it is submitted that he had worked only for a few days during 1981 to 1984. In other words, in the year 1981 he had worked

for 54 days; in 1982 for 88 days; in 1983 for 6 days and in 1984 for one day. So, according to the management he being a habitual absentee had no desire to work at all.

In view of the above facts and circumstances, it is urged that his unauthorised absence from duty being a 'misconduct', the authority had no other alternative but to terminate his service.

4. On receipt of the copy of the written statement the workman by filing a counter has denied the service of charge sheet as well as a notice to attend the enquiry alleged to have been held against him.

5. In view of the pleadings of the parties as aforesaid the following issues are settled :—

- (1) If the action of the management of Nandira Colliery of M/s. S. E. C. Ltd. in stopping Sri Abhaya Kumar Rout, Loader from duty with effect from 13-3-85 is justified ?
- (2) To what relief the workman concerned is entitled ?
- (3) Whether the domestic enquiry alleged to have been conducted by the management against the workman is fair and proper ?

6. As to the question of fairness of domestic enquiry, a detail discussion of the evidence need not be made since because the same has not been seriously challenged by the workman in course of hearing. However, a glimpse on the evidence of MW-2 would indicate that the workman on being served with a copy of the charge sheet and subsequent notice neither filed show-cause nor participated in the enquiry as a result the enquiry was held ex parte. During cross-examination of the said witness nothing could be elicited to say that during enquiry reasonable opportunity was not afforded to the workman to defend himself and that the principles of natural justice had not been followed. This apart, the workman in his evidence has also not whispered that the enquiry was unfair and improper. Rather his evidence is that he was quite unaware of any such enquiry to have been held against him. In view of such evidence, I have no other option but to accept the management's plea and conclude that the domestic enquiry conducted against the workman was fair and proper.

7. This takes me to find as to whether the action of the management in stopping or refusing duty to the workman with effect from 13-3-85 is legal and justified. On this issue both parties led evidence on merit. As deposed to by MW-1, the workman on being transferred from Handidhwa though joined Nandira Colliery on 1-3-84 but he worked for that day only and remained absent from the next day till 14-3-84. On 15-3-84 he reported for duty and thereafter continued to remain absent as before. Subsequently, it was learnt that he came to the Colliery dispensary on 20-3-84 and got himself treated till 17-5-84. Thereafter he neither joined his duty nor did he send any leave application assigning reason of his absence. The other witness is MW-2. It would be seen from his evidence that the workman got himself treated as an out-patient in the Colliery dispensary from 20-3-84 to 11-5-84. From the next day when he did not turn-up for further treatment he was shown to have been discharged by the concerned doctor on 17-5-84.

As against the above evidence, the workman by examining himself has deposed that for his having chest pain he was treated in the Colliery dispensary, Nandira. The treating physician having treated him for one day referred to the Regional hospital, Talcher where he was admitted as an indoor patient. He remained in the hospital for two days whereafter the treating physician discharged him. So, he came to the Government sub-divisional hospital and remained as an in-patient for eight months. After being discharged from the hospital, he came to the Colliery to join his duty but was refused. He has proved the xerox-copy of the medical certificate, marked Ext. B. In the cross-examination, it is elicited that the doctor of the Colliery dispensary had although advised him for chest X-Ray but such examination was not done either in the Regional Hospital or State Government sub-divisional hospital.

8. On an appraisal of the evidence of the witnesses of both the parties as discussed above, what transpires is that the plea taken by the workman is an afterthought. If infact he was ill for so many days and underwent treatment in the sub-divisional hospital as an indoor patient for months together as stated by him, there was no reason for not mentioning the same in the medical certificate, Ext. B. On the contrary, the concerned doctor of the sub-divisional hospital, Talcher while issuing the said certificate only mentioned the O.P.D. registration number of the workman. The said certificate can not be accepted on its face value since because the concerned doctor who issued the same has not been examined in this case. Furthermore, the workman to substantiate his plea of continuous illness and treatment as an in-patient failed to bring in evidence the discharge certificate, doctor's prescriptions and the in-patient register to establish that he being ill and bed-ridden could not proceed to join his duty. To me, therefore, it appears that since because he was transferred from Handidhua Colliery he was reluctant to work in his new place of posting and for that he got his name entered in the out-patient register of the sub-divisional hospital on 24-4-84 with the sole intention to create a belief in the mind of his employer that his absence from duty was beyond his control. It would be seen from the evidence of MW-2 that the workman at no point of time was sincere to his job. As stated by him (MW-2), the workman worked for 45 days in 1981 and 94 days in 1982. As regards 1983 and 1984, the management's case is that he worked for 6 days and 1 day respectively and this fact has not been controverted by the workman in his re-joinder. In my opinion, therefore, the workman having no desire to continue in service wilfully absented himself from duty from 15-3-84 onwards without sufficient reasons for which the management had no other alternative but to terminate his service.

9. In view of my discussions made above and on consideration of the past conduct of the workman as aforesaid, I am of the opinion that the management has rightly terminated his service for his long absence from duty. This being my finding, the action of the management in stopping him from duty or in other words, refusing him employment with effect from 13-3-85 has to be held to be legal and justified.

10. The reference is thus answered accordingly. Dictated and corrected by me.

R. K. DASH, Presiding Officer

नई दिल्ली 30 सितम्बर 1993

का. घा. 2287—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एम ई सी एल के प्रबन्धन के संबंध में और उनके कर्मचारियों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रशिक्षण हैदराबाद के पंचपद को प्रकाशन करती है, जो केन्द्रीय सरकार को 29-9-93 को प्राप्त हुआ था।

[संख्या एल 22012/126/88 सी-4 (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 30th September, 1993

S.O. 2287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 29-9-1993.

[No. L-22012/126/88-D.IV (B)]

RAJA LAL, Desk Officer

## ANNEXURE

### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

#### PRESENT :

Sri Y. Venkaachalam, M.A., B.L., Industrial Tribunal-I

Dated, 4th day of September, 1993

Industrial Disputes No. 48 of 1989

#### BETWEEN

The Workmen of S.C. Co. Ltd., Bellampalli Area P.O. Bellampalli, Adilabad Dist., Petitioner

#### AND

The Management of S.C. Co. Ltd., Bellampalli Area, Adilabad Dist., ... Respondent

#### APPEARANCES :

Sri B. Ganga Ram, Chief Vice President, Central Council, Singareni Collieries Workers' Union, Bellampalli—for the Petitioner.

M/s. K. Srinivasa Murthy and G. Sudha, Advocates—for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. I-22012/126-88-D.IV (B) dated 17-1-1989 referred the following dispute under Section 10(1)(d) (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Singareni Collieries Company Limited, Bellampalli and their workmen to this Tribunal for adjudication :

"Whether the action of the management of M/s. Singareni Collieries Co. Ltd., Bellampalli Area in terminating services of Sri P. Sanjeevaiah, Electrician, Workshop Bellampalli w.e.f. 4-4-1982, is justified? If not, to what relief the workman concerned is entitled?"

This reference is registered as Industrial Dispute No. 18 of 1989 and notices were issued to the parties.

2. The brief facts of the claim statement filed by the Petitioner-Union read as follows :

That Sri P. Sanjeevaiah was working as an Electrician in Workshop, Bellampalli. He worked as an apprentice under National Scheme and from 3-10-1975 and as Company's Apprentices from 14-11-1976 and later on, he was given Category IV wages from 27-7-1977. On 2nd January, 1980 after passing test, he was promoted to Category V wages. During the year 1982 he went to his native place on leave and could not come back soon and the management has terminated him from the service of the Company w.e.f. 4-4-1982 under Clause 11(c) of the Standing Orders of the Company. As a matter of fact, after several Supreme Court decisions the Singareni Management also stopped terminations under Clause 11(c) of the Standing Orders since every termination for any reasons comes under retrenchment. The Singareni Management also changed its practice through its Circular No. P. BPA/38/129/1446, dated 23-5-1983. He approached the management in the 2nd week of April, 1982 but the management did not respond to his requests and he was not allowed on duty. He approached the management several times but Management bluntly refused to allow him on duty. Later on several persons were recruited as Electricians in the Singareni Collieries Company Limited. But Sri P. Sanjeevaiah was not taken on duty. The Management had violated even its own standing orders and did not put his name in the badli list of Electricians. Other fresh candidates were taken in job but Sanjeevaiah was not allowed. Moreover, as per the Law of the Land the Management cannot terminate the services of even a badli worker from the service who puts in one years continuous service. In the instant case,

the Workman is a permanent Electrician put in 7 years service and when he came back from leave he was terminated from the service under 11(c) of Standing Orders. The Management has got no such powers to terminate any workman without following the laws of the land. Hence the action of the management in refusing to allow the workman on duty, is nothing but wrongful and illegal retrenchment from the service and as per the Laws of the Land he is eligible for reinstatement with full back wages. I am quoting below a case Law from the Allahabad High Court for ready reference. In the H.C. of Judicature at Allahabad Between U.P. Road Transport and State of U.P. and Others (1987-1 LLN page 90-91)

Para 2 "The Labour Court considered the evidence on record and held relying on a decision of the Supreme Court in the case of State Bank of India V. N. Sundermony (1976-II LLN page 5) that the termination of the services of the concerned workman was wrongful and unjustified in as much as he was neither paid nor offered retrenchment compensation as required by Law. The Labour Court directed the reinstatement of the workman with continuity in service and full back wages. Para 5 According to the settled legal position the order of termination passed against the workman clearly amounted to retrenchment and hence the same was plainly wrongful and unjustified. It is equally settled that if the employee or a workman is terminated wrongfully and illegally in the absence of any exceptional circumstances, reinstatement with full back wages must follow as a matter of course ..... The pronouncement of the Supreme Court starting from 1976 onwards on the interpretation of the term "retrenchment" as defined under the I. D. Act did not imply that the Law was changed in 1975. The Law remained same throughout and if according to the interpretation of the Supreme Court, the termination of the employment of respondent 3 was wrongful he could not be legitimately denied the benefit of reinstatement and full back wages."

Therefore we pray the Hon'ble Industrial Tribunal to consider over this sympathetically and award for reinstatement of Sri P. Sanjeevaiah as an Electrician in Workshop Bellampalli with full back wages.

3. The brief facts of the counter filed by the Respondent Management read as follows :—

It is submitted that the workman in dispute had applied for leave from 12-3-1982 to 24-3-1982 and leave was sanctioned. After expiry of the leave period, he has not chosen to report for duty nor asked for extension of leave on any grounds including sickness nor he explained the reasons for his absence either in person or through any letter. Thus, the workman Sri P. Sanjeevaiah has abandoned his services. The allegation that the workman in dispute went on leave in the year 1982 to his native place and could not come back soon and the management has terminated his services w.e.f. 4-4-1982 is totally false. As there was no intimation, Management was left with no other alternative but invoke the Company leave rules and took action under Company's Standing Order 11(c) i.e. as per the then existing Law and Rules. Thus he lost job on the job. The facts of this case are totally different from the report judgements. It may be noticed that on false grounds Sanjeevaiah obtained leave and chosen to go abroad for better employment. After completion of the same, he has chosen to approach the petitioner Union first time raised an I. D. before the Asst. Labour Commissioner (Central) Mancheril dated 7-11-1987 under a copy to the General Manager (Projects) Bellampalli. Even during the time of conciliation, the Management has no knowledge about the whereabouts of P. Sanjeevaiah during the period of his absence that was the reason it could not make a mention even before the Asst. Labour Commissioner (Central), Mancheril. The contention of

the Union that after several Supreme Court's decisions, the Singareni Management also stopped terminations under Clause 11(c) of the Standing Orders since every termination for any reasons comes under retrenchment is denied. The contention of the Union that P. Sanjeevaiah was not taken on duty even though several persons were recruited as Electricians and Management had violated its own Standing Orders and did not put his name in the Badli list of Electricians and thus there is a claim of Sri P. Sanjeevaiah to be taken on duty is denied. The contention of the Union that the workman is a permanent Electrician and has put in 7 years of service and when he came back from leave he was terminated from the service under 11(c) of the Standing Orders and the Management has got no such powers to terminate any workman and the action of the Management in refusing to allow the workman on duty is nothing but wrongful and illegal retrenchment from the service and he is liable for reinstatement with full back wages is denied. The workman in dispute is not entitled to be considered for reimbursement of back wages and much prejudice will be caused to the management if such sorts of dispute are entertained either by the Government or by this Hon'ble Court, as claim itself is stale and with intention to illegally enrich, he has chosen to ask for reinstatement on the alleged ground that he has been victimised and management took action under 11(c). It may be noticed that the management cannot inordinately wait for an employee who has left the organisation without intimation more particularly when the employees are aware of their rights, because of the workmen in disputes abandonment the regular schedule of work got upset and the management was constrained to post other workmen in his place. Though the Petitioner Union is fully aware of the same it espoused the case of this workman with an ulterior motive. In view of the above mentioned facts it is submitted that the Petitioner is not entitled for the relief claimed much less reinstatement as electrician in workshop Bellampalli with full back wages and this Hon'ble Tribunal may be pleased to dismiss the petition.

4. WW-1 and WW-2 were examined for the Petitioner and marked Exs. W-1 to W-9. On the other hand MW-1 was examined on behalf of the Respondent and marked Exs. M-1 to M-12.

5. The point for adjudication is whether the action of the Respondent in terminating services of Sri P. Sanjeevaiah, Electrician, Workshop Bellampalli w.e.f. 4-4-1982 is justified ?

6. WW-1 is P. Sanjeevaiah. He deposed that he is the concerned workman in this reference. He joined the service of Respondent in October, 1975 as Electrical Apprentice. He could not report to duty after expiry of his leave as his mother fell sick. So he sent a letter to the Respondent requesting to extend his leave for 15 days and he has sent that application under certificate of posting. The photostat copy of the said certificate of posting is Ex. W-5. Thereafter he went to the Respondent i.e. to Divl. Engineer, Workshop, Bellampalli to report for duty. Ex. W-6 is the photostat copy of his application dated 13-4-1982 reporting to duty. He was not permitted to join duty and asked him to come after 10 days. 10 days thereafter he approached the Divl. Engineer in workshop and he was informed by him that his name was removed from rolls and that he need not attend to duty. The Management did not put his name in the Badli list of Electricians. After he was removed from the service, all the apprentices were appointed as Electricians after conducting the test. The management did not send him any notice asking him to work as badli Electrician at any time. No domestic enquiry was conducted by the management against him for misconduct of unauthorised absenteeism at any time or in this case. Before terminating him from service the management did not issue any notice, nor did the management paid him the notice pay, nor did the management pay him any retrenchment compensation. He went round the management several times but the management did not take him back into service and did not reinstate him into service. He prays the court to pass an award directing the Respondent to reinstate him into service with full back wages and all other attendant benefits.

7. WW-2 is Thatikonda Raja Bheemaiah. He deposed that he knows WW-1 since he joined the service of the Respondent as apprentice in 1979. He was present along with WW-1 when he went to Sr. Divisional Engineer (Workshop) Bellampalli to report for duty in April, 1982. The Divl. Engineer asked WW-1 to come after one week thereof. WW-1 went to the Sr. Divl. Engineer one week thereafter and he was also present with WW-1. Then the Sr. Divl. Engineer informed WW-1 that he will not be taken to work and that he was removed from the service as per Clause 11(c) of the Standing Orders of the Company. Thereafter himself and WW-1 approached the Sr. Divl. Engineer four or five times and requested him to take back WW-1 into service and he refused to take him back into service. After WW-1 was removed from the service his post of Electrician was filled up by appointing a fresh candidate.

8. MW-1 is M. Jai Rama Reddy. He deposed that he has been working in the Respondent as Engineer since 1971, and now he is working as Dy. Chief Engineer, Main Workshop, Kothagudem since 1989. He is well acquainted with the facts of this case. The concerned workman P. Sanjeevaiah WW-1 worked as an Electrician at Bellampalli workshop. He worked as Divl. Engineer in Bellampalli Area workshop from 1981 to 1984, and WW-1 worked under him till March 1982. WW-1 applied for leave from 12-3-1982 to 24-3-1982 and the leave was sanctioned. After expiry of the sanctioned leave, WW-1 did not attend the duty. They received a telegram from Bombay on 29-3-1982 reporting sick on the ground that he was not well. Ex. M-1 is the telegram received from WW-1 from Bombay. WW-1 did not mention the period for which he applied for sick leave. Subsequent to Ex. M-1 telegram, WW-1 did not send any communication nor did he report duty. On 29-5-1982 they sent a letter to the home address of WW-1 as given by him and available in the office record informing WW-1 to take the treatment from Respondent-Colliery Hospital. The registered letter was returned unserved with postal endorsement that the address was not available. The returned unserved registered cover is Ex. M-2. Again the Respondent sent another letter dated 30-8-1982 to the house address of WW-1 by registered post, informing WW-1 that he was removed from the service under Section 11(c) and the said letter was also returned to the sender with postal endorsement 'the party is not available'. The said returned registered letter is not available with the record. Ex. M-3 is the office copy of the said letter, WW-1 gave his home address as "ODELLA" as his native place, and Ex. M-2 and the original of Ex. M-3 were sent to the said address. Ex. M-4 is the service book of WW-1 and Ex. M-5 is the photostat copy of the 'B' Register page containing the name and address of WW-1, in which WW-1 gave his native place as 'Odella'. It is not correct to state that WW-1 sent to Kashmir to Kanyakumari by availing L.T.C. facility, from 12-3-1982 to 24-3-1982. WW-1 availed L.T.C. facility, to go to Panipat from Bellampalli from 21-2-1981 to 26-2-1981. Ex. M-6 is the L.T.C. declaration form submitted by WW-1 for availing L.T.C. facility from 21-2-1981 to 26-2-1981. WW-1 did not give his Bombay address in Ex. M-1 telegram.

9. On behalf of workmen, WW-1 and WW-2 have adduced evidence that Sri P. Sanjeevaiah was working as an Electrician in Workshop, Bellampalli. He worked as an apprentice under National Scheme and from 3-10-1975 as Company's apprentices from 14-11-1976 and later on he was given Cat. IV wages from 27-7-1977. On 2nd January, 1980 after passing test, he was promoted to Cat. V wages. The petitioner Sanjeevaiah was sanctioned leave with pay from 12th March to 24th March 1982 and he went to his native place on leave and could not come back soon and the management has terminated him from the service of the Company w.e.f. 4-4-1992 under Clause 11(c) of the Standing Orders of the Company. Sri Sanjeevaiah has sent application for extension of leave for 15 days under certificate of posting and it is Ex. W-5 sent on 24th March 1982 but the Management did not sanction extension of leave, nor informed the workman that leave was not sanctioned to the workman Sri P. Sanjeevaiah. WW-1 deposed that he went to the Divisional Engineer Workshop, Bellampalli to report for duty on 13-4-1982 and he gave an application dated 13-4-1982 reporting to duty. He also stated that he was not permitted to join duty and asked to come after 10 days. Thereafter when he approached the Divisional Engineer Workshop he was informed that his name was removed from the rolls of the Company and he need not attend duty. At that time WW-2 Sri T. Raja Bheemaiah

Ice Plant Operator in the Workshop was present there along with him. WW-1 also adduced that after he was removed all the apprentices were appointed as Electricians after conducting the test but the management did not send any notice to Sri Sanjeevaiah asking him to work as Badli Electrician at any time. He also adduced that no enquiry was conducted for misconduct of unauthorised absenteeism in this case. Before terminating him he was not given any notice, nor did the management paid him notice pay, nor the management paid any retrenchment compensation. Later on he went round the management several times but the management did not take him back in service and did not reinstate into service. The contention on the other hand of the Management is that the case is espoused belatedly by the Union and the Government also belatedly referred for adjudication and stated that claim being a stale claim be rejected is quite wrongful. As a matter of fact there is no time limit for raising a dispute. Moreover the management has resorted to illegal retrenchment. There are cases pending for 12 years and above and the Supreme Court has given decision; in (1985-II LLJ pages 19-27). The argument of the Petitioner that the management has depended on a wrong information that Sri P. Sanjeevaiah has gone to Gulf Countries for earning higher salaries etc. For that purpose he might have taken Passport but mere taking of Passport is not enough. It is very much difficult to get visa and the Management has spent several thousands of rupees and sent their representative to Bombay and Delhi to trace out regarding Visa in the Foreign Embassies but in vain and the management could not file any Visa before the Hon'ble Tribunal. The contention of the Management in their counter statement that the workman Sri P. Sanjeevaiah has abandoned service is quite erroneous. In support of this, a decision of the Bombay High Court *Gourishanker Vishwakarma v. Eagle Spring Industries (P) Ltd.* (Labour Law Notes 1988-I page 259) herein it was held :

"Held : It is now well settled that even in the case of abandonment of service, the employer has to give a notice to the workmen calling upon him to resume his duty and also to hold an enquiry before terminating his services on that ground. In the present case the employer has done neither. It was for the employer to prove that the workmen had abandoned the service".

It is pertinent to note that it is a settled matter that the employer should follow legal procedure if he wants to terminate any employee, since every termination for any reason whatsoever comes under the definition of retrenchment as per Section 2(oo) of the I. D. Act. The other contention of the Petitioner that the Management has failed to keep the name of Sri P. Sanjeevaiah in the badli list and violated its own standing orders. MW-1 clearly mentioned in his cross examination, agreed this fact and stated as follows :

"The management did not put the name of Sri P. Sanjeevaiah in the Badli list. We have violated the Standing Orders of the Company. After 1982 fresh candidates were appointed as Electricians in Bellampalli. The Management did not send any notice to Sri P. Sanjeevaiah to join as Badli Electrician. The Management did not issue any charge sheet to Mr. Sanjeevaiah under the Standing Order 16(16). The Management did not conduct any enquiry in this case but the management sent the termination letter to Sri Sanjeevaiah home address. The management did not pay any retrenchment compensation as per Section 25-F of the I. D. Act. The management did not send any registered notice to Sanjeevaiah while recruiting new persons as Electricians as per the provisions of I. D. Act. The management did not file any Visa before this Tribunal".

From the above statement of MW-1 it is very clear that the management has utterly failed, not only in following its own Standing Orders but also violated all the legal provisions of I. D. Act.

10. On a consideration of the facts and circumstances of the case, it has been sufficiently proved that the action of the Management in terminating the services of Sri P. Sanjeevaiah Electrician, Workshop, Bellampalli w.e.f. 4-4-1982 is not justified and is illegal.



11. In the result, the action of the Management of M/s. Singareni Collieries Company Limited, Bellampalli Area in terminating services of Sri P. Sanjeevaiah, Electrician, Workshop, Bellampalli w.e.f. 4-4-1982 is not justified. Sri P. Sanjeevaiah, Electrician is entitled to be reinstated into service with full back wages, with continuity of service and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 4th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal

#### Appendix of Evidence

Witness Examined on behalf of the Petitioner/ Workman :

WW-1—Sri P. Sanjeevaiah

WW-2—Thatikonda Raja Bheemaiah

Witness Examined on behalf of the Respondent/ Management :

MW-1—M. Jayaram Reddy.

#### Documents marked for the Petitioner/Workman

- Ex. W-1/3-10-75—Photostat copy of the Office Order issued by the Addl. G.M., Bellampalli with regard to P. Sanjeevaiah (I.T.I. Candidate) appointed as an Apprentice.
- Ex. W-2/14-11-76—Photostat copy of the office order issued by the Addl. General Manager, Bellampalli Collieries with regard to Sri P. Sanjeevaiah (I.T.I. Candidate) appointed as an apprentice.
- Ex. W-3/27/29-7-77—Photostat copy of the appointment order issued by the Addl. G.M., Bellampalli with regard to Sri P. Sanjeevaiah, appointed as Electrician, Cat. IV.
- Ex. W-4/2/4-1-80—Photostat copy of the office order issued by the Divisional Superintendent, Bellampalli Division with regard to P. Sanjeevaiah and other promoted to Cat. V w.e.f. 1-9-80.
- Ex. W-5/24-3-82—Photostat copy of the under Certificate of Posting receipt addressed to the D.E. Main Workshop, S.C. Co. Ltd., Bellampalli.
- Ex. W-6/13-4-82—Photostat copy of the letter submitted by P. Sanjeevaiah to the Sr. D.E. Workshop, Bellampalli with regard to reporting to duty.
- Ex. W-7/7-11-87—True Copy of the representation submitted by the Chief Vice President, Central Council to the Asst. Labour Commissioner (Central-I), Hyderabad with regard to Sri P. Sanjeevaiah, Electrician.
- Ex. W-8/16-7-88—Minutes of the Conciliation proceedings held on 16-7-88 between the Management of S.C. Co. Ltd. Bellampalli Area and the workmen before the Asst. Labour Commissioner, Mancherla.
- Ex. W-9/31-7-88—True copy of the Failure of Conciliation Report submitted by the Asst. Labour Commissioner (C), Mancherla to the Secretary, Government of India, Ministry of Labour, New Delhi with regard to P. Sanjeevaiah, Electrician.

#### Documents marked for the Respondent/Management

- Ex. M-1/29-3-82—Telegram sent by Sri Sanjeevaiah, Electrician to the Divisional Engineer, Workshop, Bellampalli.
- Ex. M-2—Closed envelope and Ack. card addressed to Sri P. Sanjeevaiah.

Ex. M-3/29/30-5-82—Copy of the letter issued by the Divisional Engineer (Workshop and Power House), Bellampalli Division to Sri P. Sanjeevaiah, Electrician.

Ex. M-4—Identity and Service Card of Sri Pittala Sanjeevaiah.

Ex. M-5—Photostat copy of Form-B Register containing particulars of Sri Sanjeevaiah.

Ex. M-6—Form 'C' Leave Travel Concession Bill for journey from 21-2-81 to 26-2-81.

Ex. M-7/20-2-81—Pay Sheet for 80% LTC advance of Sri P. Sanjeevaiah, Engineering Department paid on 20-2-81.

Ex. M-8/18-1-92—Closed cover addressed to P. Sanjeevaiah (Elec.), S.C. Co. Ltd., Main Workshop, Post Bellampalli.

Ex. M-9/27-1-92—Copy of the letter addressed by the Chief General Manager, S.C. Co. Ltd., Bellampalli (Projects) area to the passport officer, Regional Passport Office, Mehdiapatnam, Hyderabad with regard to P. Sanjeevaiah.

Ex. M-10/6-2-92—Letter addressed by the Passport Officer, Passport Office, Hyderabad to the Chief General Manager, Bellampalli (Projects), with regard to grant of passport facilities to Pittala Sanjeevaiah.

Ex. M-11/26-2-92—Copy of the letter addressed by the Chief General Manager, S.C. Co. Ltd., Bellampalli (Projects) to the Officer-in-Charge, Embassy of King of Saudi Arabia, Bombay with regard to P. Sanjeevaiah.

Ex. M-12/19-3-92—Letter addressed by the Saudi Consulate, Royal Consulate General of Saudi Arabia in Bombay to the Chief General Manager, S.C. Co. Ltd., Bellampalli (Projects), Adilabad District.

नई दिल्ली, 30 सितम्बर, 1993

का.आ.2288--औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम.सी. पी. एल. के प्रत्यक्ष के संबंध नियोजकों और उनके कर्मचारों के बीच प्रत्यक्ष में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-93 को प्राप्त हुआ था।

[संख्या एम-21011/13/85-डो.-III (बी)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 30th September, 1993

S.O. 2288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workmen, which was received by the Central Government on 29-9-1993.

[No. L-21011/13/85-D.III(B)]

RAJA LAL, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, 4th day of September, 1993

Industrial Dispute No. 36 of 1987

## BETWEEN

The Workmen of S.C. Co. Ltd.,  
Bellampalli, Adilabad Dist. (AP)

Petitioner.

## AND

The Management of S.C. Co. Ltd.,  
Bellampalli, Adilabad Dist. (AP)

Respondent.

## APPEARANCES :

Sri B. Gunga Ram, Chief Vice President, Singareni  
Collieries Workers' Union for the Petitioner.

M/s. K. Srinivasa Murthy, G. Sudha and V. Usha Rani,  
Advocates for the Respondent.

## AWARD

The Government of India, Ministry of Labour, by its Order No. L-21011/13/85-D.III(B) dated 29-7-1987 referred the following dispute under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 between the employers in relation to the Management of Singareni Collieries Company Limited, Bellampalli and their workman to this Tribunal for adjudication :

"Whether the action of the management of Singareni Collieries Co. Ltd., Bellampalli in stopping the issue of country blankets to the workers working in Prospecting Department w.e.f. the year 1983-84 is justified? If not, to what relief such workmen are entitled?"

This reference is registered as Industrial Dispute No. 36 of 1987 and notices were issued to the parties.

2. The brief contents of the claim statement read as follows: The workmen of Prospecting Department in Singareni Collieries Company Limited, Bellampalli have been getting the country blankets for the last 35 years in view of their nature of duties scattered in the most interim and hazardous places under which they are required to work. For issuing country blankets to the workers during the year 1983-84, 350 country blankets were drawn from the stores Bellampalli in the month of September, 1984 as per the existing practice in vogue but we were surprised and shocked to note that the management had abruptly stopped to issue them to the workers on the pretext that such practice is not prevalent at Kothagudem. Later on, these blankets were returned back to the stores in the month of February 1985, with a view to deprive the existing right of the workmen. The above action of the management by changing the age long practice is nothing but illegal change of service conditions and also contrary to the provisions of the I.D. Act, 1947. The management did not issue any notice under Section 9A of the I.D. Act, 1947 that the management is going to stop the issuing of country blankets, hence the action of the Management is illegal, wrongful and unjustified. The Management have no right to deprive the workman of their existing rights. As per the provisions of National Coal Wages Agreements II and III it had been agreed that the existing rights of the workers will be protected. Hence the issue of country blankets to workman of Prospecting Department which has been discontinued with effect from the year 1983-84 is quite unjustified and therefore we demand that the Management should restore the practice of issuing country blankets immediately and for the period from 1983-84 to this year, the management should pay the cost of country blankets as per the market rates, since the workers have already spent huge amounts all these years for purchase of blankets. We pray the Hon'ble Industrial Tribunal to consider over this legitimate demand of workmen of prospecting department and award for the restoration of the issuing of country blankets from the year 1983-84 as stated above.

3. The brief facts of the counter filed by the Respondent-Management read as follows :

The allegation that the workmen of Prospecting Department in the company have been getting the country blankets for the last 35 years is not correct. It is submitted that on 25-1-1964 the Management entered into settlement with the Unions including the petitioner Union with regard to supply

of blankets in place of new warm coats to certain category of workmen, and the said Settlement is applicable to Kothagudem and Yellandu quarries only. It is submitted that all the Settlements are binding on the Union as such this Union is not entitled to raise any dispute with regard to the matter already decided and settled. It is submitted that Prospecting department workmen are not covered under the settlement and they are not entitled for issuance of country blankets by the management. The allegation that they were supplied to the workmen since last 35 years is totally false and it is submitted by mistake the Management has supplied some blankets to some workmen of Prospective Department and after having realised the same it has withdrawn the said supply. By mistake issued any blankets to the workmen it has every right to rectify the mistake and Union cannot take advantage the issue and agitate. It is submitted before the N.C.W.A. were entered between Management and Unions of Coal Industry in which various components and factors were taken into account for determination of the wage and it was done by collective bargaining between management and Unions and this Petitioner participated in the said agreement. After N.C.W.A. have come into force no other extra relief can be asked by the workmen in the guise of benefit. By mistake blankets have been issued and supply was withdrawn and management has rectified its mistake. It is submitted at this stage at Kothagudem and Ramagundam workmen of similar category were not given any blankets. So management cannot adopt any discriminatory attitude by supplying blankets to prospecting department at Bellampalli by conceding to the request of the Union. The Management is well within its right to justify the withdrawal of supply of blankets as withdrawal is only rectification of mistake. It may be noticed that even without the supply of country blankets Prospecting Department workmen worked in 1983-84 and it is not a need based or protected clothing which they have asked and management cannot bear the additional financial burden to incur such expenditure and infact petitioner is not entitled to claim any relief as prayed. In view of above this Hon'ble Tribunal may be pleased to dismiss the claim with costs.

4. W.W.1 and W.W.2 were examined on behalf of the Petitioner and marked Exs. W1 to W6. On the other hand M.W.1 to M.W.3 were examined on behalf of the Respondent and marked Exs. M1 to M3 on its side.

5. The point for adjudication whether the action of the management of Singareni Collieries Company Limited, Bellampalli in stopping the issue of country blankets to the workers working in Prospecting Department w.e.f. the year 1983-84 is justified?

6. W.W.1 is G. Prabhu Das. He deposed that he is working as Prospecting Mazdoor. He is paid wages as Second Category worker. Since 25 years he is working in Prospecting Department. His headquarters is Bellampalli. But they do work in forest areas during prospecting work in various camps. They have to stay in camps and do the work. They come to Headquarters once in a week. He is paid Camp allowance. He was getting jungle allowance also. The Company has to supply them Blankets every year. They supplied Blankets every year as per rules. Since four years they stopped supplying the blankets. They brought blankets from Stores and kept them in their Camp office for one week and then returned them to Stores without distributing them to workers. The management never gave any notice informing them that they are going to stop the practice of distributing blankets freely to workers. They were being given "gongali" and the same is popularly called blankets. This "Gongali" can be used by them to protect themselves against cold as well as rain. Since four years as Company is not supplying blankets they are purchasing blankets with their own money. The Singareni Collieries Company used to supply only one blanket per year for each worker. For C.S. Plant workers also the S.C. Company used to give blankets freely. For all surface workers the Singareni Collieries Company was earlier supplying blankets free. In C.S. Plant for all workers they stopped giving blankets and instead they are supplying rain coats. He prays that they should be supplied with either Gongali or Raincoat. Ex. W1 is a circular dated 27th September, 1979. Under this C.S. P. Workers who were earlier given Blankets were to be given short rain coats.

7. W.W.2 is G. Ramulu. He deposed that he is working since 25 years in Prospecting Department. All Prospecting



Camps are in jungles and they are far away from habitations. As they work in jungle they were paid jungle allowance and they are given one additional muster per week and in addition they are given 3 musters per week as Batta. This is in force from 3-1-1961. Ex. W2 is copy of Memorandum of Settlement to prove this. As they work in jungles they are given blankets. They were being given even prior to his joining service in 1963. Only Prospecting Mazdoors are given blankets for extra protection against cold. The blankets are given in all areas, Bellampalli, Mandamarri, Ramakrishnapuram, Goleti and Ramgundam areas. In 1984 September to issue blankets they indented and got them from stores. Thereafter they were received they did not distribute them and returned them to Head Stores. They did not give any notice before stopping supply of blankets. If Blankets are given to Prospecting mazdoors there is no need to supply them to all underground workers. They are given only to people of Prospecting Department. As per Ex. W3 through it is relating to Kothagudem and Yellandu areas all Prospecting mazdoors in other areas are also being supplied Blankets as in Ex. W3. Ex. W3 is implemented for all areas of Singareni Mines area. Ex. W3 mentions that this practice of supply of blankets will continue for all future years. In Ex. W4 there is mention of some special facilities available for workers in Kothagudem area. In Bellampalli area the facilities of Hospital and sanitary facilities are not available. On 11-3-1985 Union raised dispute before conciliation officer as evidence by Ex. W5. Ex. W6 is the report of failure of conciliation. After management stopped supply of blankets the workers are purchasing them with their own money. PCWA II and III provides for continuing the existing rights and privileges of workers.

8. M.W1 is Y.V. Subba Reddy. He deposed that he joined as Geologist in the Respondent in February 1982 and now he is working as Sr. Geologist in the Respondent since 23-2-1989. He knows the facts of this case. He is working in Prospecting Department. The Prospecting Department will be looking after the drilling operations and after getting the reports from the Drilling Operations, they will be submitted to the Coal Mining Planning Designing Research Institute, Ranchi for obtaining clearance for coal mines activities. The field of the work of Prospecting Department is in the forest areas. Besides salaries, the workmen working in Prospecting Department in the forest area will be getting additional remuneration of Rs. 10.00 per day. There was no settlement entered into between the management of the respondent company and any of the working unions for supply of country blankets to the workmen working in the forest area in Prospecting Department. The settlement in Ex. M1 is not at all applicable to the workmen working in the forest area in prospecting department. The settlement in Ex. M1 is applicable to the Surface Inspectors, Bank mazdoors, Signalmen, Rope Splicers, Strikers (Surface), Bogie Drivers (Surface), Clippers Underground, Trammers (Main Line), Switch Boys (Main Line), Haulers, Drivers, Oil Issuer and coil propals and Cone Operators (Sand stoving station). The point raised by the workmen in this dispute was not covered in any N.C.W.A. the Blankets were not supplied to the workmen working in the Forest Area in Prospecting Department in Kothagudem, Yellandu, Manuguru and Ramagundam Areas. The country blankets were issued to the workmen working in the forest area in Prospecting Department in Bellampalli area only by mistake in the years 1983 and 1984. The officers working in Forest Area in Prospecting Department will get additional remuneration of Rs. 20.00 per day for their working in the forest Area. The Respondent Company is incurring loss and it is not in a position to bear the expenses for supplying country blankets to the workmen working in the forest area in Prospecting Department.

9. M.W2 is M. Vithal Rao. He deposed that he has been working in the Respondent in different capacities since 1960 and now he is working as Personnel Manager, Corporate Personnel Management Wing, Kothagudem since 1989. He is aware of the facts of this case. There is no agreement between the workers Union and the management to give blankets to the staff of the Prospecting Department. But there was an agreement dt. 25-1-1974 between the petitioner's Union and the management i.e. Ex. M1 with regard to the issue of blankets and it was settled in that agreement to whom the said blankets should be supplied. The staff in the Prospecting Department works only in the general shift and in no other shift. The workers in the Prospecting Department

will be given camp allowance at the rate of Rs. 10.00 to 18 per month depending upon the grades and categories. It is not agreed to supply the blankets to the workers in Prospective Department in Ex. M1 agreement. The representative of the Petitioner Union i.e. Sri B. Gangaram is the Chief Vice President of the Petitioner-Union. At present there are about 1,16,000 workers are working in the Singareni Collieries Company Limited. There is no service condition to supply blankets to any of the workers of any of the Departments in Singareni Collieries Company Limited. There is no necessity to issue any notice under Section 9A of the I.D. Act. There was no clause incorporated in any of the National Coal Wage Agreements to supply blankets to the workers in the Prospecting Department. The Respondent Company is not in a position to meet the expenditure to be incurred for supplying the blankets to the workers of Prospecting Department as the Respondent company is running in loss.

10. M.W3 is V. Nageswara Rao. He deposed that he joined the services of the Respondent in the year 1982 as Asst. Drilling Engineer. He deposed that when Drilling sites are located in far off jungle areas, camp allowance is being paid to all the workmen. During the years 1984 and 1985 there were heavy rains in the Bellampalli Area. So on humanitarian grounds, and because country blankets are readily available, they were given to workmen and it was not a practice nor it was a customary to give blankets to the workmen every year. There is no office order or any other documentary evidence to show that the blankets were supplied to the workmen during those two years due to the reason that there are heavy rains during those two years and those blankets are readily available. The areas in which the workmen were working in the Prospecting Department do not come under hazardous area. Some of the workers in the prospecting department are working in single shift in some places and in two shifts in some places. 80 officers were also working in Prospecting Department, besides the workers, at spot. No such benefit of supplying the blankets extended to the officers during the year 1984 and 1985. There are prospecting departments working in others companies also, and the facility of supplying the blankets to the workers working in the prospecting department of other companies was not given and those workers were also covered by the Joint Bipartite Committee for coal Industry. The Prospecting Departments operations are there in all the areas of Singareni Collieries Company Limited besides Bellampalli areas and this facility of supplying blankets was not extended in any other areas of the Respondent. The Union did not issue any strike notice in the year 1984. The Respondent is not financially sound. Ex. M3 is the xerox copies of the profit and loss statement of the Company from the year 1983 to 1991.

11. W.W1 and W.W2 stated in their depositions that the workmen of Prospecting Department in Singareni Collieries Company Limited. Bellampalli have been getting the country blankets for the last 35 years in view of their nature of duties scattered in the most interior and hazardous places in distant jungles under which they are required to work. For issuing country blankets to the workers during the year 1983-84, 150 country blankets were drawn from the Stores, Bellampalli in the month of September, 1984 as per the existing practice in vogue but the Management had abruptly stopped to issue them to the workers on the pretext that such practice is not prevalent at Kothagudem. The contention of the Petitioner workman is that the action of the management by changing the age long practice is nothing but illegal change of service conditions and also contrary to the provisions of Section 9A of the I.D. Act. The Management did not issue any notice under Section 9A of the I.D. Act. that the management is going to stop the issuing of country blankets, hence the action of the management is illegal, wrongful and unjustified since it has changed the age long customs of giving blankets to workers of prospecting department. The Petitioner contends that as per the provisions of National Coal Wages Agreement II and III it had been agreed that the existing rights of the workers will be protected. Even the evidence of M.W3 in cross examination he deposed that regarding the protection clause in N.C.W. Agreements that all the existing benefits will be protected. In the claims statement filed by the Petitioner they have stated that Prospecting Department workers are working in the most interior and hazardous places in jungle. The Respondent described this as an allegation. In fact it is

not an allegation but it is the real fact and the life reality of Prospecting Department. M.W.2 in his deposition agreed and stated in cross examination, the Camp allowance is being paid to the workers in Prospecting Department as they have to camp at remote places and work their. He also stated that the camps will be there even during the winter season but on the other hand he denied the necessity of blankets in the winter season in the camps. It is also the evidence of M.W.1 in cross examination stated that the workmen in the Prospecting Department have to work at distant places in jungle area at different work spots i.e. in scattered areas and they have to work at distant places camping there for months together. The further contention of the Petitioner is that regarding issue of blankets, M.W.1 stated that the workers working in forest area of Bellampalli were issued blankets in 1983, 1984 two years by mistake. All 150 workers in forest area were issued blankets. M.W.2 deposed that during 1982, 1983, 1984 three years blankets were given by mistake and M.W. 3 has deposed that due to heavy rains, on humanitarian grounds management supplied blankets for two years, hence the Management did not issue notice for stopping the delivery of blankets to the workmen of Prospecting Department. It is clear from this that how the stand of the Respondent in withdrawing the benefit of country blankets is quite negative, wrongful and unjustified. It is further contended by the Petitioner that M.W.1 stated that officers are paid Rs. 20.00 daily as a special allowance for their work in forest area and workers get Rs. 10.00 to Rs. 18.00 as Camp allowance per month. The officers visit the work spot in the Company's vehicles for supervision but for going in the Company's vehicles to forest area, a special allowance of Rs. 20.00 per day is paid to the officers on the other hand the Respondent Company has withdrawn the very small existing benefit of supplying country blankets to the workers who are residing in the interior forest areas on rainy seasons and winter season and prepare their food and they come to the headquarters to see their family and children once in a week on weekly holidays. Taking into consideration all the above facts and circumstances into consideration I am of the clear opinion that the Respondent Management action in stopping the issue of the country blankets to the workers working in the Prospecting Department is not justified.

12. In the result, the action of the Management of Singareni Collieries Company Limited, Bellampalli in stopping the issue of country blankets to the workers working in Prospecting Department w.e.f. the year 1983-84 is not justified. The workmen working in Prospecting Department are entitled for the issue of country blankets.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of the Tribunal, this the 4th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I.

#### Appendix of Evidence

#### Witnesses Examined for the Workmen:

W.W.1—G. Prabhu Das.

W.W.2—G. Ramulu.

#### Witnesses Examined for the Management:

M.W.1 Sri Y. V. Subba Reddy

M.W.2 Sri M. Vittal Rao.

M.W.3 Sri V. Nageswara Rao.

#### Documents marked for the Workmen

Ex. W1/27-9-79—True copy of the Circular No. P9/3683/3598 dated 27th September, 1979 issued by the General Manager (H.O.), S.C. Co. Ltd., Kothagudem to all Divisional Superintendents of all Collieries with regard to C.S.P. workers.

Ex. W2/19-9-61—Copy of the Memorandum of Settlement in a dispute between the Singareni Collieries Workers' Union and the S.C. Co. Ltd., with regard to payment of Jungle allowance and revision of grades arrived at during conciliation proceedings held on 19th September, 1961 at Godavarikhani, Ramagundam by the Conciliation Officer.

Ex. W3/25-1-64—True copy of the Memorandum of Settlement arrived at between the Management of the S.C. Co. Ltd., Kothagudem and their workmen represented by the S.C. Workers Union during the discussions held on 25th January, 1964 on the subject of issue of warm coats to the eligible workers at Kothagudem and Yellandu Collieries.

Ex. W4/16-6-62—True copy of the Ref. No. C.G.I.T. 26/81 before the Central Government Industrial Tribunal, Bombay between the S.C. Co. Ltd., and their workmen.

Ex. W5/11-3-85—True Copy of the representation dated 11th March, 1985 made by B. Ganga Ram, Chief Vice President S. C. Workers' Union to the Asst. Labour Commissioner (C), Ministry of Labour, Government of India, Mancheril with regard to Illegal/arbitrary stoppage of country Blankets to the workmen of prospecting department, S.C. Co. Ltd., and request for declaration of conciliation proceedings.

Ex. W6—True copy of the failure of conciliation report.

#### Documents marked for the Management

Ex. M1/25-1-64—Photostat copy of the Memorandum of Settlement arrived at between the Management of S.C. Co. Ltd., Kothagudem and their workmen represented by the Singareni Collieries Workers' Union during the discussions held on 25th January, 1964 on the subject of issue of warm-coats to the eligible workers at Kothagudem and Yellandu Collieries.

Ex. M2/30-1-64—Photostat copy of the letter dated 30th January, 1964 of General Manager, S.C. Co. Ltd., Kothagudem addressed to All Pits and C. S. Plants, Kothagudem and Yellandu with regard to supply of blankets and warm-coats for certain categories of workmen at pits and C. S. Plants and revision of scale of supply of warm coats.

Ex. M3—Profit and loss statement for the year 1983—91.

नई दिल्ली, 30 सितम्बर, 1993

का. प्र. 2289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुमरण में, केन्द्रीय सरकार में, भारत कोकिंग कोल लि. को लोयाबाद कोलियरी के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2) धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-9-93 को प्राप्त हुआ था।

[सं. एल. 20012/183/86--डी-3 (ए) धार्द धार कोल]

एच. सी. गोड़, डैस्क अधिकारी

New Delhi, the 30th September, 1993

S.O. 2289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Loyabad Colliery of M/s. BCCL and their workmen which was received by the Central Government on 29-9-93.

[No. L-20012/183/86-DIII(A)/IR(C.I.)]

HARISH GAUR, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

## PRESENT :

Shri B. Ram, Presiding Officer.  
In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 366 OF 1986

## PARTIES :

Employers in relation to the management of Loyabad Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

## APPEARANCES :

On behalf of the workmen.—Shri D. Mukherjee, Advocate.

On behalf of the employers.—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 22nd September, 1993

## AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/183/86-D.III (A) dt. the November, 1986.

## SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the management of Loyabad Colliery of Messrs. Bharat Coking Coal Limited should allow resumption of work as Wagon Loader by Smt. Kunti Chauhan is justified? If so, to what relief is this woman worker entitled?"

2. As per schedule of the reference the Bihar Colliery Kamgar Union has demanded resumption of duty of Smt. Kunti Chauhan as Wagon Loader from the management of Loyabad Colliery of M/s. B.C.C.L.

3. The concerned workman claims to have been working at Loyabad colliery as wagon loader prior to and after nationalisation of the colliery. The management of Loyabad colliery terminated the services of the concerned workman along with others without assigning any reason. Thereafter the Bihar Colliery Kamgar Union raised the industrial dispute for illegal termination of the services of the concerned workman and the management entered into a settlement with the union and it was agreed that the workman will be provided employment. The Supdt. of Loyabad colliery issued office order No. 76/3 dt. 2-6-77 allowing the concerned workman to resume duty as per settlement dt. 25-5-77. Unfortunately or fortunately the concerned lady was carrying pregnancy at that time and she submitted an application for maternity leave and she was also allowed leave by the management. The concerned lady reported for duty after delivery but she was not allowed to resume her duty as wagon loader. It was contended that the management never issued any show cause notice nor conducted any domestic enquiry before terminating the services of the concerned workman and thus the management did not comply with the provision of Section of 25F of the I.D. Act. It has been prayed for resumption of duty and also a direction to the management to reinstate the concerned workman with full back wages and other benefits.

4. The management refuted the claim of the concerned workman by filing separate W. S. contending therein that the casual wagon loader has no right to continue in the employment because his employment is simply conditional and not regular. The case of Kunti Chauhan was examined and a consistency occurred between the entries made in two official documents and it was observed that she was not a genuine worker although she claims to have been selected for her employment as casual wagon loader. It was sub-

mitted that the concerned lady was not a wagon loader at any point of time and she was making attempt to get entry into the employment of the management by practising fraud and dishonesty. Lastly while giving rejoinder to the W. S. of the concerned workman it was contended that since the concerned workman was not on the roll of the colliery the question of issuing her chargesheet and holding any domestic enquiry did not arise. In the circumstances it was submitted that the concerned lady was not entitled to any relief.

5. The point for consideration would as to whether the concerned workman was a genuine workman and she should be reinstated with full back wages?

6. The present reference arose out of the demand of the concerned lady for her enrolment as wagon loader and to allow her to resume duty at Loyabad colliery. She claims to have been working as wagon loader prior to and after nationalisation of the colliery. She also claims that as per office order No. 76/3 dt. 2-6-77 she was allowed by the Supdt. Loyabad colliery to resume her duty. But she could not attend duty on account of her pregnancy. She was allowed maternity leave. It was her case that she approached the management after delivery for resumption of her duty but she was not allowed. On the other hand the management has to say that the concerned workman was not a genuine workman and so there was no question of allowing her any duty. She had also failed to prove her genuinity.

7. Admittedly the concerned lady has no bonus card or the identity card. In this connection the evidence of MW-1 Shri S. K. Singh, Sr. Personnel Officer may be referred. He stated in the very chief examination that no delisted casual wagon loader was issued any identity card. Admittedly, she has no paper to show that she was carrying any pregnancy and that she had proceeded on maternity leave. There is also nothing to show that she was granted maternity leave by the management. In the circumstances stated above we have to see first of all as to whether Smt. Kunti Chauhan was a workman of the management of Loyabad colliery or not. Two witnesses namely Hari Chauhan WW-3 and Lalwa Chauhan (WW-4) have been examined. They claim to have been working in Loyabad colliery since before nationalisation as wagon loader this aspect of matter has not been challenged in cross-examination. In cross-examination WW-3 admitted that they were delisted casual loader. These two witnesses have stated that Kunti Chauhan was also working with them as wagon loader. Shri Hari Chauhan further stated that Kunti Chauhan and others including himself were stopped from their duty but after settlement they were allowed to resume duty. According to him Kunti Chauhan could not join for she was carrying pregnancy. Kunti Chauhan while deposing as WW-2 stated that after settlement she approached the management for employment but the employment was refused because she was carrying pregnancy. According to her she approached the management again after delivery but she was refused. After that she raised industrial dispute. In cross-examination she admitted that she was not issued any Bonus card or the identity card. At this stage the evidence of MW-1 can be very well referred to. The witness stated that payment to the listed and delisted casual wagon loader was used to be made by the Pay Clerk in presence of Loading Clerk. He remembers two names of the Loading Clerk and they were Sarda Pd. Roy and Shri Nagina Tewary. It may be mentioned that neither Sarda Pd. Roy nor Shri Nagina Tewary have been examined to testify as to whether Kunti Chauhan in the capacity of delisted casual wagon loader was ever paid her wages. The witness further stated that no register save and except the wagesheet relating to the payment of delisted casual wagon loader was maintained in the colliery. In view of this evidence it was demanded on the part of the management to produce this wagesheets which could have very well revealed that Smt. Kunti Chauhan was not getting any wages. The wagesheet should have been produced by the management to prove this fact.

8. Now coming to the documentary evidence I find that the concerned workman has filed a photo copy of Form M register showing statement of account of Addl. D.A. deposit for the year 1974-75. It is in respect of Kunti Chauhan the concerned workman. WW-1 has proved this document. He has denied that it was manufactured for the purpose of this case. Prima facie this document has got tendency to show that the concerned workman was working in Loyabad Colliery sometimes in the year 1974-75. There are two important

documents which are Ext. W-1 and M-1. These two documents have been proved by WW-1 Shri R. K. Prasad, President of Bihar Shramik Sangh. Ext. W-1 seems to be the sheet anchor of the concerned workman. This is the original order bearing No. 76/3 dt. 2-6-77. By this letter the persons named in the document were ordered to resume their duty as per settlement dt. 25-5-77. The learned counsel for the management at this stage challenged the genuineness of this document and according to him the name of Kunti Chauhan and Sukhdeo Chouhan was a subsequent addition. It was submitted that originally only seven names appeared and the name of Kunti Chauhan was not there. In order to testify this fact the management has also produced and proved Ext. M-1 which is stated to be photo copy of the original order. I do not find any reason as to why the original of this document was not filed by the management. WW-1 Shri R. K. Prasad has stated in his cross-examination that in the original there are nine men but Ext. M-1 is the photo copy. He has denied that this photo copy was prepared from the original. He also denied that two subsequent names were added under Ext. W-1. I must say in all fairness the management should have produced the original just to controvert Ext. W-1. Non-production of original of Ext. M-1 lead us to an inference that all nine names contained in original. Be that as it may, I find that the union has produced Ext. W-5 also which is the photo copy of the statement of account of A.D.A. deposit. I find no reason to disbelieve this document and prima facie this will lead to an inference that she was a workman of Loyabud colliery in the year 1973-74. In this way she cannot be a stranger.

9. I have considered several aspects of the matter and also the evidence of two witnesses namely Shri Hari Chouhan and Lalwa Chauhan who are still working as wagonloader in the colliery. They have testified that Kunti Chauhan was also a co-worker with them. I have no reason to disbelieve their testimony. For the reasons stated above I am to hold that the concerned lady should be reinstated but in the circumstances of the case I am not inclined to give any back wages. The management is thus directed to reinstate the concerned lady as casual wagon loader within two months from the date of publication of the Award.

B. RAM, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1993

का. प्रा. 2290.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मे. भारत कोकिंग कोल लि. की संस्थापना तथा ओ. सी. पी. कालियरा ओवरलैड क्षेत्र में 19 के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्धारित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिनियम (प. -2) अनुबद्ध के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 5-10-93 को प्राप्त हुआ था।

[सं. एल-24012/224/86-डी 4 (बी)/आई चार काल-I]  
एच.सं. गोड, डेस्क अधिकारी

New Delhi, the 6th October, 1993

S.O. 2290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. 11) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bhowra (North OCP) Colliery of Bhowra Area No. IX of M/s. BCCL and their workmen which was received by the Central Government on 5-10-93.

[No. L-24012/224/86-DIV(B)]IR (C-I)

HARISH GAUR, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 196 OF 1987

PARTIES :

Employers in relation to the management of Bhowra (North OCP) Colliery of Bhowra Area No. IX of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workmen.—None.

On behalf of the employers.—None.

STATE : Bihar

INDUSTRY : Coal

Dated, Dhanbad, the 22nd September, 1993

## AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-24012(224)/86-D.IV (B) dt. 9th August, 1987.

## THE SCHEDULE

"Whether the action of the Management of Bhowra (North OCP) Colliery of Bhowra Area No. XI of M/s. Bharat Coking Coal Ltd., P.O. Bhowra, Distt. Dhanbad in not regularising S/Shri Nihora Mahato and Bikrama Saw, Trammers as Tyndals, is justified? If not, to what relief the workmen are entitled?"

2. This reference is pending since 1987 but none of the parties ever appeared nor they filed W. S. I find that registered notices were sent both to the union and the management. In my opinion it will be absolutely unnecessary to linger with the proceeding when none of the parties is interested in pursuing the matter. Hence no dispute award is passed.

B. RAM, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1993

का. प्रा. 2291.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एलाहाबाद बैंक के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्धारित औद्योगिक विवाद में केन्द्रीय सरकार, औद्योगिक अधिनियम (प. -2) अनुबद्ध के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[सं. एल-12012/110/89-डी 2 (ए)]  
हरीश गोड, डेस्क अधिकारी

New Delhi, the 6th October, 1993

S.O. 2291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, CHANDIGARH as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ALLAHABAD BANK and their workmen, which was received by the Central Government on 5-10-93.

[No. L-12012/110/89-D.II.A]

HARISH GAUR, Desk Officer

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH  
Case No. I. D. 133/89

Nasib Singh Vs. Allahabad Bank.

For the workman.—Shri O. P. Batra.

For the management.—Shri V. K. Vasisht.

## AWARD

Central Govt. vide gazette notification No. L-12017/110/89-D.II(A) dated 18th August 1989 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Allahabad Bank in terminating the services of Shri Nasib Singh is justified ? If not, to what relief is the workman entitled ?”

2. In brief case of the petitioner in the statement of claim that he worked as peon-cum-frash from 7-6-83 to 3-6-1984 to the satisfaction of the management. All of sudden on 3-6-1984 his services were terminated verbally without following the provisions of Section 25-F of the I. D. Act 1947 although he had completed 240 days service in one year. He also alleges violation of Section 25-H being new appointments made after his termination. He made representation on 3-5-1985 but no reply which necessitated him to raise the demand notice. He has thus sought the re-instatement with full back wages and continuity of service.

3. The management in their written statement has taken preliminary objection that there is no relationship of employer and employee. Present reference is time barred. On merits the plea has been taken that he was required to do work of casual nature. There was no privity of contract of service. No charge sheet or enquiry was necessary because the moment the exigency is over the services of the petitioner were ceased automatically. No notice or retrenchment compensation were required to be given to the said casual employee which does not confer any legal right. Principle of last come first go is not applicable in the present case and sought dismissal of the reference.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. The petitioner in support of his case produced himself as WW1. He filed his affidavit Ex. W1 and relied on the documents Ex. W2 and W3. The management produced MW1 O. P. Sood who filed his affidavit Ex. M1 and relied on documents Ex. M2 and M3. Respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Counsel appearing on behalf of the petitioner alleges violation of Section 25-F of the I. D. Act having not paid retrenchment compensation and pay in lieu of notice although the petitioner had completed 240 days preceeding 12 months from the date of termination. The management could not controvert the said stand and has also failed to substantiate that his appointment was on contractual basis. MW1 O. P. Sood, Manager, Allahabad Bank in cross-examination has admitted petitioner having worked for 263 days from June 1983 to July 1984. He also admits that no retrenchment compensation was paid to the petitioner at the time of terminating his services. Ex. M2 is the statement showing number of days put in by the petitioner which also speaks in the same manner. In the said statement it seems July 1984 is written wrongly due to inadvertence in place of June 1984 as the petitioner never worked in July 1984 being his date of termination is 3-6-1984. The date of termination as 3-6-1984 is not disputed by the management in the pleadings or in the evidence. Case of the petitioner still stands on better footing as the number of days shown above also does not include Sundays & holidays as admitted by the management's witness.

8. As already indicated the fact that the petitioner had worked for 240 days has not been denied, termination of the services of the petitioner was, therefore, in the nature of retrenchment and this could be done only by following the procedure and complying with the conditions given in Section 25-F of the Act. This had admittedly not been done. The result, therefore, is re-instatement with all consequential benefits. It is ordered accordingly.

9. The petitioner has raised this industrial dispute after considerable time in the year 1989 although cause of action had accrued to him in the year 1984. He has tried to explain in the delay that he made representation Ex. W2 which is undated. It will not be justified in awarding full back wages. It would be appropriate that awarding of 50 per cent backwages from the date of termination till reinstatement will meet the end of justice. The ratio laid down in Jai Bhagwan Vs. Management of Ambala Central Co-op. Bank Ltd. reported in AIR 1984 S. C. page 266 is followed. Reference is answered accordingly.

ARVIND KUMAR, Presiding Officer

Chandigarh  
20-9-93

नई दिल्ली, 6 अक्टूबर, 1993

का. प्रा. 2292.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबन्धन के संबंध में नियोजनों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संदीगढ़ के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[संख्या एल.—12011/71/91—आई आर (बी-2)]

हरिश गौर, डेस्क अधिकारी

New Delhi, the 6th October, 1993

S.O. 2292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, CHANDIGARH as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of PUNJAB NATIONAL BANK and their workmen, which was received by the Central Government on 5-10-1993.

[No. L-12011/71/91-IR(B-II)]

HARISH GAUR, Desk Officer

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I. D. 42/92

Workmen Vs. Punjab National Bank.

For the workman.—None.

For the management.—Shri Rajesh Gupta.

## AWARD

Central Govt. vide gazette notification No. 12011/71/91-I. R. (B.II) dated 16-4-1992 issued U/s 10(1)(d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Punjab National Bank in treating House Rent Allowance as part of Salary/wages for the purpose of determining entitlement to bonus is justified ? What relief, if any, is the workman entitled to ?”

2. During the course of the present proceedings Rajesh Gupta rep. appearing on behalf of the management has made statement that in view of the circular No. 1337 dated 30-6-93 the claim stands settled being necessary relief granted by virtue of the said circular. F. C. Mittal appearing on behalf of the workman has made statement that I am the authorised representative in the present case. In view of the statement made by Mr. Rajesh Gupta and the circular dated 30-6-1993 the claim of the Union stands settled. No dispute award be returned to the Ministry.

3. In view of the statement made by the representative of the respective parties that the claim of the Union stands settled by virtue of circular No. 1377 dated 30-6-1993. No dispute award is returned to the Ministry.

Chandigarh  
8-9-93.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1993

का. घा. 2293—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, सेन्ट्रल बैंक ऑफ इन्डिया के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[संख्या एल-12012/119/88-डी-2(ए)]

हरीश गौड़, डेस्क अधिकारी

New Delhi, the 6th October, 1993

S.O. 2293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 5-10-1993.

[No. L-12012/119/88-D.II(A)]

HARISH GAUR, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 99/88

R. K. Munjal Vs. Central Bank of India.

For the workman : Shri O. P. Batra,  
For the management : Shri Yogesh Jain.

#### AWARD

Central Government vide Gazette Notification No. L-12012/119/88-D.II(A) dated 2nd December, 1988 issued U/s 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Central Bank of India in denying the benefits of increment, promotion and seniority to Shri R. K. Munjal for the services rendered by him in the Armed Forces is justified? If not, to what relief is the workman entitled?”

2. Brief facts as set out in the statement of claim, that he joined the services of the bank as clerk since 8-5-1978 being ex-serviceman. He served armed forces w.e.f. 23-6-1963 to 8-12-1968. Referring the judgement of Hon'ble Supreme Court in CWP No. 6436-37/1980 and Civil Appeal No. 3095.

96/80 he has claimed benefits towards increments, seniority and pension in terms of 1965 rules having served during the emergency as a member of armed forces w.e.f. 26-10-1962 to 10-1-1968. He also states that U.T. Administration Chandigarh also extended the benefits to such ex-servicemen. He made numerous representations but no effect. He thus claimed the benefits of promotion, seniority for ex-serviceman with the plea that the same should be extended to all other like wise employees.

3. The management in their written statement has taken the preliminary objection that the Supreme Court judgement cited by the petitioner in his statement of claim is not applicable in the present case. The petitioner is governed by the various Bi-partite Settlements entered with the majority union in relation to the promotion and seniority and the service conditions which are applicable to Government employees are not applicable in the case of the present petitioner. The claimant has failed to justify any violation of his rights to which he is entitled under the existing policy of the bank. Judgement of the Supreme Court referred has not been carried out through either by the industrywise decision or through an agreement with the majority Unions. The petitioner has already been given the benefits of appointment as ex-serviceman and other concessional benefits as per existing policy and thus he is estopped for raising the present dispute for the grant of promotion, seniority and prayed for the dismissal of the same. On merits the plea has been taken that the petitioner was appointed in the services of the bank as clerk in 1978 under Ex-serviceman category and extended all the benefits in terms of Bipartite settlement and has been given the benefit of increments in consonance with Government guidelines and Bipartite Settlement. The petitioner has failed to show any violation of the Bipartite Settlement. Further plea of the management that from the para quoted and from the perusal of the judgement it would be evidently clear that the provisions of rules 1965 are not applicable in the case of ex-servicemen who have been rehabilitated in the bank services. The dispute thus deserve dismissal as there is no provision in the promotion policy in relation to the claim of the petitioner.

4. Replication was also filed reasserting the claim made in the statement of claim.

5. None of the parties have led any evidence. I have heard both the parties, gone through the record.

6. At the outset this Court is handicapped being none of the parties have led any evidence. Counsel for the petitioner has sought benefits of promotion and seniority to the petitioner and other like wise employees having served in the Armed Forces during emergency w.e.f. 26-10-1962 to 10-1-1968 in terms of 1965 rules and relied on 1984(2) S.L.R. page 97 Ex-Captain K. C. Arora and another Vs. State of Haryana and others and the decision of the Hon'ble Punjab and Haryana High Court in Jagbinder Singh Mann District Sainik, Welfare Officer, Gurdaspur Vs. State of Punjab and others passed in CWP 3856 of 1987 on 23-8-1991. Contention raised by the counsel for the petitioner is meritless and the judgement cited above are not applicable in the circumstances of the present case. Government had promulgated statutory rules for released emergency commissioned officers and short service commissioned officers (Reservation of vacancies) Rules 1967 for regulating the reservation of vacancies in the Central Services and posts in Class I and Class II Services. These rules came into force on the year 1966 and were operative till January 1971. Punjab Govt. also framed the rules called Punjab Government, National Emergency (Concessions) rules 1965 (hereinafter called rules) as being adopted also by the State of Haryana which is undoubtedly correct. However the rules framed by the Central Government and subsequently adopted by the Punjab and Haryana relates to the civil posts. The petitioner does not belong to that class. Consequently he can not claim any benefit under these rules and derive no advantage from the rules promulgated by the Central Government adopted by the State of Punjab and Haryana which are only meant for the civil posts. The respondent bank is autonomous body and it has a right to appoint officer and employees and determine the terms and conditions of their service by virtue of Bipartite Settlement which does not provide for grant of any benefit which the petitioner claims. There being no rules/regulations or orders of the bank to support the claim made by the petitioner, no relief possible can be granted to him. Terms and conditions of the service being determined

by the employer and employee can claim a right only if there is rules/regulations or an executive order conferring the benefits upon him. In the absence of such provisions, the claim made by the petitioner is wholly misconceived and can not be sustained. The ratio of the judgement Ex-Captain P. P. Sharma Vs. Union of India and others reported in 1993 (3) R.S.J. page 593 is followed.

7. Hence nothing survive in the proceeding initiated by the petitioner and he is not entitled to any relief. In a way reference is answered accordingly.

Chandigarh.

6-9-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1993

का. घा. 2294-—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यी. भारत कोल लि. की जीलगोरा कोलियरी के प्रबन्धन के संबंध में, जहाँ और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-9-93 को प्राप्त हुआ था।

[सं. एल-20012/137/90-आई घार (कोल-II)]

एच. सी. गोड, डेस्क अधिकारी

New Delhi, the 4th October, 1993

S.O. 2294.—In pursuance of Section 33C(2) of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal (No. II) Dhanbad as shown in the Annexure in the management of Jealgora Colliery of M/s. B.C.C.L. and their workmen which was received by the Central Government on 30-9-1993.

[No. L-20012/137/90-IR(C-I)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Ram, Presiding Officer.

In the matter of an industrial dispute under Section

10(1)(d) of the I.D. Act, 1947

Reference No. 69 of 1991

PARTIES:

Employers in relation to the management of Jealgora Colliery of M/s. BCCL and their workmen.

APPEARANCES:

On behalf of the workmen : None.

On behalf of the employers : Shri B. Joshi, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated. Dhanbad, the 22nd September, 1993

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(237)/90-I.R.(Coal-I) dated, the 15th March, 1991.

## SCHEDULE

"Whether the action of the management of Jealgora Colliery of M/s. BCCL is justified in retiring Shri K. N. Sinha, Foreman of Jealgora Colliery without getting the age assessed by Apex Medical Board? If not, to what relief the workman is entitled?"

2. This reference is pending since 1991. The parties appeared and also filed their W.S. Lastly the matter was compromised and the terms of settlement was signed by the respective parties namely Shri G. D. Pandey, Vice President, RCMB and the Project Officer, Jealgora Colliery.

3. As per terms of reference the action of the management of Jealgora Colliery was challenged in retiring Shri K. N. Sinha, Foreman without getting his age assessed by the Apex Medical Board. As per terms of the settlement it appears that the concerned workman expired on 27-6-91 and so there was no scope left for assessment of his age by any medical board. In the circumstances, a 'No dispute' Award is passed in terms of settlement.

B. RAM, Presiding Officer

नई दिल्ली, 4 अक्टूबर, 1993

का. घा. 2295-—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, यूनिट ट्रस्ट प्राफ इन्डिया के प्रबन्धन के संबंध में, जहाँ और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-9-93 को प्राप्त हुआ था।

[संख्या एल-12012/318/91-आई घार (बी-2)]

हरीश गोड, डेस्क अधिकारी

New Delhi, the 4th October, 1993

S.O. 2295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Unit Trust of India and their workmen, which was received by the Central Government on 30-9-93.

[No. L-12012/318/91-IR(B-II)]

HARISH GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindbakar, Presiding Officer.

Reference No CGIT-23 of 1992

PARTIES :

Employers in relation to the management of Unit Trust of India

AND

Their workmen.

APPEARANCES :

For the Management—Shri Naik, Advocate.

For the Workman—Shri Anchan, Advocate.

INDUSTRY : Finance

STATE : Maharashtra



Bombay, dated the 21st September, 1993

## AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, New Delhi by order dated 27-3-1992,

"Whether the action of the management of Unit Trust of India, Bombay in terminating the services of Shri Yeshwant D. Humbar is just, legal and proper? And whether such an action on the part of the management of UTI, amounted to "unfair" labour practice in recruiting others with object of depriving the workman of the status of and privileges of permanent workman under Sec. 2(a) of I.D. Act, 1947? If so, to what relief are the workman entitled to?"

2. The workman was served with a notice of this reference, and from the Roznama maintained by this Tribunal it appears that the workman had appeared before this Tribunal on 18-9-1992 and 11-11-1992, and he had also engaged an Advocate.

3. This reference came up before me on 22-4-1993 for filing statement of claim. In spite of several adjournments sought on behalf of the workman, not even statement of claim has been filed so far.

4. When the matter was called out today, Mr. Anchan, Advocate appearing on behalf of the workman stated that he is unable to file the statement of claim. He is also unable to seek any further adjournment.

5. In the circumstances, it appears that the workman is not interested in pursuing the reference. The present reference is, therefore, disposed off and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 30 सितम्बर, 1993

का. प्रा. 2296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-9-93 को प्राप्त हुआ था।

[संख्या एल-12012/220/92-आई आर (बी-2)]

श्री. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 30th September, 1993

S.O. 2296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 30-9-93.

[No. L-12012/220/92-IR(B-II)]

V. K. VENUGOPALAN, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 91/92

In the matter of dispute between :

Shri Chander Shekher, through P.N.B. Canteen Union,  
780 Ballimaran, Delhi-110006.

Versus

Karmik Prabandhak, Punjab National Bank, 7, Bhikan-  
nama Place, New Delhi.

## APPEARANCES :

Shri J. K. Khonra clerk of the Management.

None for the workman.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/220/92-I.R.B-2 dated 18-9-92 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the claim of Shri Bhandra Sekhar Panth that he was an employee of Punjab National Bank upto 2-6-1989 is justified? If so, whether termination of his services w.e.f. 2-6-89 is justified? What relief, if any, is the workman entitled to?"

2. The workman was directed accordingly to Industrial dispute rules 1957 to file the statement of claim, list witnesses and his documents relied upon within 15 days from the date of the order of reference. No compliance was done by the workman and the court directed him on receipt of this reference to file claim on 14-12-92 but since then adjournments have been given and the workman did not file the statement of claim it appears that the workman was not interested in pursuing this case. A No Dispute award is, therefore, passed in this case leaving in parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

16th September, 1993.

नई दिल्ली, 11 अक्टूबर, 1993

का. प्रा. 2297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार, यूनिट ट्रस्ट आफ इन्डिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-9-93 को प्राप्त हुआ था।

[संख्या एल-12012/318/91-आई आर (बी-2)]

श्री. के. वेणुगोपालन, डेस्क अधिकारी

New Delhi, the 11th October, 1993

S.O. 2297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay, as shown in the Annexure in the industrial dispute between the employers in relation to the management of Unit Trust of India and their workmen, which was received by the Central Government on 30-9-93.

[No. L-12012/318/91-IR(B-II)]  
V. K. VENUGOPALAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, BOMBAY

PRESENT :

Shri Justice R. G. Sindhakar, Presiding Officer.  
Reference No. CGIT-22 of 1992

PARTIES :

Employers in relation to the management of Unit Trust  
of India

AND

Their workmen.

APPEARANCES :

For the Management—Shri Naik, Advocate.

For the Workman—Shri Anchan, Advocate.



INDUSTRY : Finance

STATE : Maharashtra

Central Reference No. 70/89

Bombay, dated the 21st September, 1993

## AWARD

The following reference has been made to this Tribunal by the Government of India, Ministry of Labour, New Delhi by order dated 27-3-1992,

"Whether the action of the management of Unit Trust of India, Bombay in terminating the services of Shri B. H. Umer is just, legal and proper? And whether such an action on the part of the management of UTI, amounted to "unfair" labour practice in recruiting others with object of depriving the workman of the status of and privileges of permanent workman under Sec. 2(a) of I.D. Act, 1947? If so, to what relief are these workman entitled to?"

2. The workman was served with a notice of this reference, and from the Rozmane maintained by this Tribunal it appears that the workman had appeared before this Tribunal on 18-9-1992 and 11-11-1992, and he had also engaged an Advocate.

3. This reference came up before me on 22-4-1993 for filing statement of claim. In spite of several adjournments sought on behalf of the workman, not even statement of claim has been filed so far.

4. When the matter was called out today, Mr. Anchan, Advocate appearing on behalf of the workman stated that he is unable to file statement of claim and he is also unable to seek any further adjournment.

5. In the circumstances, it appears that the workman is not interested in pursuing the reference. The present reference is therefore, disposed of and award accordingly.

R. G. SINDHAKAR, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 1993

का. मा. 2298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार नेग्रनव र्विर्ल सेक्टर के प्रबन्धन के संलग्न निदेशकों और उनके कर्मचारों के बीच, अनुबंध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधि-करण बंगलूर के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार का 1-10-93 को प्राप्त हुआ था।

[सं. एन-42011/10/89-आई आर (डी यू) (पार्ट)]

के जी वी. उन्नी, डेस्क अधिकारी

New Delhi, the 5th October, 1993

S.O. 2298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of National Research Centre (ICAR) and their workmen, which was received by the Central Government on 1st October, 1993.

[No. L-42011/10/89-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated this 24th day of September, 1993

## PRESENT:

Shri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.

2339 GI/93—6.

## I Party :

Dr. B. Krishna Rao,  
Convenor,  
Karnataka Dock & General Workers Union.  
Vijayalaxmi Clinic,  
P.O. Darbe,  
Puttur-574202 (D.K.)

v/s.

## II Party :

The Scientist-in-charge,  
National Research Centre for Cashew,  
Dakshina Kannada District Shanthiguda,  
Puttur-574202.

## AWARD

In this reference made by the Hon'ble Central Government by its order No. L-42011/10/89-IR(DU) dated 5th October, 1989 under Section 10(2A)(1)(d) of the I.D. Act the point for consideration as per schedule to reference is :

"Whether the management of National Research Centre (ICAR) Puttur is justified in terminating the services of the following workers w.e.f. 26th July, 1988? If not, to what relief the said workmen are entitled?"

1. B. Kushalappa Gowda
2. Monappa Gowda
3. T. Padmanabha
4. S. Pernu
5. B. Babu Gowda
6. K. Narayana
7. B. Seetharama
8. K. Honnappa
9. B. Narayana Poojari

## 2. In the claim statement it is stated:—

The I party workmen 1 to 9 were appointed as supporting staff, Grade-I (Mazdoor) in the National Research Centre for Cashew Puttur, Dakshina Kannada. The II party is a research centre and is an Industry as defined under Section 2(j) of the I.D. Act. The services of the I party workmen were orally terminated w.e.f. 26th July, 1988 on collateral and extraneous considerations. The II party has committed unfair labour practice. The oral order terminating the services of the I party workmen is mala-fide. During the pendency of the adjudication the II party management invited applications from the open market for the appointment of Group 'D' employees and the cases of the I party workmen have not been considered. The II party has adopted illegal methods to circumvent the provisions of law and to invalidate the legitimate claim of the I party workmen. The II party has totally ignored the fact that the I party workmen have worked continuously over a period of 4 to 5 years without any interruption and even though they have acquired sufficient skill and experience in their respective posts, the II party management did not consider their cases for permanent absorption. It is contended in the claim statement that before dispensing with the services of the I party workmen, no notice of termination has been issued to them. Therefore, the action of the II party management is violative of Section 25-F of the Act and it is a case of retrenchment and the mandatory requirements of the Act have not been followed with. On this score alone, the I party workmen are entitled to be reinstated with continuity of service and back wages etc.

## 3. In the counter statement it is stated:—

As cashewnut is basically a seasonal crop, a few casual workers are engaged for specific duration for completing the seasonal work at Shanthiguda farm during the year 1986, 1987 and 1988. In addition to I party members nineteen other workers were also

engaged at Shinthigodu at different spells ranging from 9 days to 172 days each in a year. These casual workers were never engaged for more than 40 days at a time as per the instructions and regulations issued by the Indian Council of Agricultural Research, Krishi Bhavan, New Delhi dated 25th June, 1986. The I party workmen were never appointed as supporting staff Grade-I (Mazdoor) in the II party. The I party workmen were not engaged against any sanctioned permanent posts of supporting staff, Grade-I (Mazdoor) as alleged by them but were employed as casual workers as and when the requirements were to be met. The allegations made in para 3 of the claim statement that the case of the I party workmen have not been considered for the appointment of Group-D employees is also without any substance, and in fact the I party workmen were interviewed on 8th November, 1988 along with other candidates sponsored by the Employment Exchange when regular vacancies arose. Since there was no vacancy for the posts of supporting Staff, Grade-I (Mazdoor), the applications of the I party workmen were not considered. It is not true that the I party workmen had worked continuously over a period of 4-5 years without any break. Since the I party workmen were working seasonally as casual workers, issue of notice before termination is not required. The I party workmen are not entitled to any reliefs. The reference has to be rejected.

4 No separate issues have been framed since the point for adjudication is covered by the schedule to reference. At the time of final arguments I have been considering all other subsidiary points. (See order sheet dated 5th September, 1990).

5. On behalf of the II party M.W. 1 Ajit Kumar Bolur, Office Superintendent and M.W. 2 N. Yedukumar, Scientist have been examined. On behalf of the I party all the workmen W.Ws. 1 to 9 and W.W. 10 Dr. B. Krishna Rao, have been examined.

6 The definite case of the I party workmen is that they have worked continuously for more than 240 days. The case of the II party is that the cashewnut is basically seasonal crop and the I party workmen were employed during the seasonal work and they have not worked continuously for more than 240 days in a year.

7 The 9 I party workmen W.W. 1 to 9 have stated in their evidence that they have worked for more than 300 days in each calendar year, which means that they have worked for more than 240 days in a year. M.W. 1 Ajit Kumar Bolur, Office Suptt., have stated in his evidence that the I party workmen have not worked for more than 240 days continuously. The evidence of M.W. 2 Yedukumar, Scientist is also to this effect. M.W. 1 has stated in his evidence that Ex. M. 1 is the zerox copy showing the names of the members of the I party and for how many days they have worked as casual labourers. He has further stated that Ex. M. 2 shows monthly-wise for how many days the I party workmen have worked.

8 Ex. M. 1 zerox copy shows that none of the I party members have worked continuously for 240 days, as seen from days they have worked during 1986, 1987 and 1988. Ex. M. 2 also shows that none of the I party workmen have worked without break for more than 240 days in a year. If their working days are taken into consideration for the period 1st January, 1986 to 19th February, 1988. These two documents Exs. M. 1 and 2 are marked through M.W. 1. In cross-examination M.W. 1 has admitted that Ex. M. 1 is not signed by anybody in the office, certifying to its correctness. He has further admitted that Ex. M. 2 also has not been signed by anybody in the office to certify it is correct. This evidence shows that no reliance can be placed on Exs. M. 1 and 2. M.W. 1 has denied the suggestion that Exs. M. 1 and 2 are got up. In view of his say that nobody has certified Exs. M. 1 and 2 as correct, lends support to the argument that they are cooked up documents. No reliance can be placed on Exs. M. 1 and M. 2.

9. Ex. M.6, 7 and M. 9 to 11 are the muster rolls and attendance registers produced by the II party and marked

through M.W. 1 and M.W. 2 respectively. M.W. 1 does not give the details of the muster rolls Exs. M. 6 and 7. M.W. 2 speaks of the muster rolls Exs. M. 9 to 11 for the years 1986, 1987 and 1988. It should be borne in mind that II party has not produced the attendance register or muster rolls for the period 16th September, 1987 to 20th November, 1987 except for one day viz., 19th September, 1987, though directly by the Tribunal to produce the attendance registers for this period as per order Dt. 8-4-93 on I.A.I. Ex. M.6 which shows the attendance for some of the days during the year 1988 does not show the attendance for the following period:—

01-02-88 to 05-02-88  
07-02-88 to 12-2-88  
14-02-88 to 19-02-88  
21-02-88 to 26-02-88  
28-02-88 to 04-03-88  
06-03-88 to 19-03-88  
20-03-88 to 18-05-88  
20-05-88 to 27-05-88

Ex. M. 11 is the attendance register for 1988. It is very curious to note that these attendance register gives the attendance of the I party workmen for the months January, 1988, February, 1988. It stops suddenly and then it gives the attendance for the months of May, June and July, 1988. Ex. M. 11 does not give the attendance of the I party workmen for the months of March and April, 1988. Ex. M. 11 suggests that the II party has produced the documents to suit their defence and have deliberately not produced the attendance of I party workmen for the months March and April, 1988, though directed by the Tribunal as per order on I.A.I.

10. The I party workmen in their claim statement para 3 have stated that they have worked continuously for over a period of 4 to 5 years without any interruption. As per order on I.A.I. this Tribunal directed the II party to produce the attendance registers for January, 1983 to December, 1983 and January, 1984 to December, 1984. Despite the order by this Tribunal the II party has not produced these attendance registers. Adverse inference against the II party has to be drawn. It has been laid down by the Supreme Court in 1985(4) SCC 201 (H. B. Singh v/s. Reserve Bank of India) that employers failure to produce the attendance register to controvert workman's claim, the Tribunal has to "necessarily draw the inference that the appellant's case (here the workmen's case) that he had worked for more than 240 days is true."

11. Let me recapitulate. The II party has not produced the complete attendance register/muster rolls. The attendance registers produced by the II party are incomplete. The II party has not produced the attendance registers called for in I.A.I., though directed by this Tribunal.

12. For the aforesaid reasons I am of opinion that each of the 9 I party workmen has worked for more than 240 days in a year continuously and each workman is entitled to be reinstated. The departmental instructions, if any, to the contrary cannot override the provisions of the I.D. Act.

13. A lot of evidence has been adduced regarding non-selection of the 9 workmen for permanent absorption at the interview held by the II party. I have not considered this evidence because that does not relate to the adjudication as per schedule. This Tribunal cannot travel outside the reference.

14. All other documents and evidence not referred by me are not relevant. In any case they do not alter my conclusions reached above.

15. The I party workmen are to blame to some extent for the delay. They have prosecuted the matter unsuccessfully before the Administrative Tribunal. I am of opinion that instead of back wages, if each workman is paid a compensation of Rs. 3,000, ends of justice will be met.

#### ORDER

The II party is directed to reinstate each of the 9 I party workmen forthwith. The II party shall pay to each of the 9 workmen a compensation of Rs. 3,000. Reference accepted as

stated herein and award passed accordingly. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 24th day of September, 1993).

M. B. VISHWANATH, Presiding Officer

P.S.—There is some delay in passing the award I was on E.L. because of illness. The Audit party had come from Madras. I may kindly be excused for the delay.

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, 5 अक्टूबर, 1993

का. प्रा. 2299 --औद्योगिक विवाद प्रिनिसिपल, 1947 (1947 का 14) की धारा 17 के अंतर्गत में, केन्द्रीय सरकार सब-डिवीजनल इन्स्पेक्टर, चिन्तामनी के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक प्रधिकरण बैंगलोर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-93 को प्राप्त हुआ था।

[सं. एन.-40012/41/89-आई आर (डी यू) (पी टो)]

केन्द्रीय उष्ण, इस्क अधिकारी

New Delhi, the 5th October, 1993

S.O. 2299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of sub-Divnl. Inspector, Chintamani and their workmen, which was received by the Central Government on 4-10-1993.

[No. L-40012/41/89-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated, this 24th day of September, 1993

#### PRESENT :

Sri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.  
Central Reference No. 59/89

#### I PARTY :

V. Manjunatha, Ex. E.D.D.A., Postal Department, Dod-daganjur Branch Office, Via, Chintamani, Kolar District.

(By Sri S. K. Mohyuddin)

V/s.

#### II PARTY :

The Post Master General, Karnataka Circle Bangalore-560001.

(By Sri V. P. Kulkarni)

#### AWARD

In this reference made by the Hon'ble Central Government under Section 10(2-A)(1(d) of I. D. Act by its Order No. L-40012/41/89-IR (DU) dated 18-8-89 the point for consideration as per schedule to reference is :

"Whether the action taken by the Sub-Divisional Inspector Chintamani in removing Sri Manjunatha, Extra Department Delivery Agent from service with effect from 25-5-88 is justified ? If not, to what relief Sri V. Manjunatha is entitled ?"

#### 2. In the claim statement it is stated :—

The I party was provisionally appointed as Extra Department Delivery Agent (E.D.D.A.). The I party workman served as E.D.D.A. continuously for one year 11 months 24 days. The services of I party were not made permanent as per the guidelines issued by the department. The I party was removed from the post of E.D.D.A. by Main Overseer W.E.F. 25-5-88 without assigning any reason or prior notice. The representations made by the I party workman were not considered. The I party belongs to S.T. The allegations against the I party workman are false. There were not complaints against the I party workman. The II party has not given any opportunity to the I party to know the charges and defend himself. The II party has selected one Narayanaswamy in place of I party, violating rules. The I party is a poor man. The I party is entitled to be reinstated as E.D.D.A. with consequential benefits retrospectively.

#### 3. In the main counter statement it is stated :—

The I party was appointed provisionally as E.D.D.A. It is clearly stated in the provisional appointment order that his appointment was only provisionally till regular arrangement for the post of E.D.D.A. was made reserving right to terminate services of I party. Action was initiated to fill up the post of E.D.D.A. as per rules. In the meanwhile there were complaints against the I party regarding short payment of money order, non delivery of letters. On enquiry the allegation regarding short payment of money order was proved. There was yet another complaint of short payment of money order to Sri Thoti Venkatappa. In the course of enquiry the I party has stated that he had paid the money order wrongly to another Venkatappa of same village. From these instances, it is clear, the work of the I party was unsatisfactory. So the I party was not considered for regular employment. Another candidate Narayanaswamy who satisfied all the conditions was appointed as E.D.D.A., relieving the I party on 25-5-88. The I party was not removed from service. He was relieved from the post he was holding. It is true that the I party has worked from 4-6-86 and that he belongs to S.T. community. The services of the I party were dispensed with since his past service was not satisfactory. There are records to show that the conduct and integrity of I party were doubtful. The I party has given his statement admitting short payment of the amount. He has not disputed the allegations against him. Narayanaswamy has been selected according to law in place of I party. The I party is not entitled to any relief.

4. The II party has filed additional counter statement on 29-5-90. In the additional counter statement it is stated that the matter involved in the reference is a service matter and the I party is a holder of a civil post. Therefore this Tribunal has no jurisdiction and the reference is not maintainable.

5. On the basis of the above pleadings the following issues have been framed on 15-5-90 :—

1. Whether the II party proves that he lawfully terminated the services of the I party ?
2. Whether the I party proves that his provisional appointment should have been made permanent as per guidelines issued by the Department ?
3. Whether the I party proves that he was removed from the post of E.D.D.A. by the II party without giving reasons and the II party in law was bound to give reasons ?
4. Whether the I party proves that in view of the "historic Judgment" of the Supreme Court, he was entitled for regular appointment ?
5. Whether the II party proves that since the appointment of I party was only provisional he has no right for a regular employment ?

6. Whether the I party proves that the management did not give him an opportunity to know the charges and to defend himself properly?
7. Whether the II party proves that all relevant information was furnished to the I party during the course of enquiries into his misconduct and all opportunities were provided to him to prove his innocence and that the I party failed to prove his innocence?
8. Whether the II party proves that the I party was not removed from service but he was only relieved from the post by directing him to handover the charge to the regular incumbent? If so what legal effect?
9. To what relief, if any?

In view of the additional counter statement the following additional issue has been framed on 25-9-90 :—

- (1) Whether the II party proves that this Tribunal has no jurisdiction to adjudicate this matter, as contended in the additional objections?

6. The schedule to the reference refers to the action of the II party in removing the I party workman as EDDA from service w.e.f. 25-5-88. It does not relate to whether the I party should have been made permanent as per guidelines issued by the department. So I delete issue No. 2 since it goes beyond the scope of schedule to reference. For the same reason I delete issued 4 and 5 also which relates to the regularisation of I party's post.

7. On behalf of the II party MW-1 Venakataramanappa who was the Sub-Divisional Inspector, Postal at Chintamani has been examined. He has stated that he was the appointing authority for EDDA. He has stated that I party workman was appointed as EDDA provisionally as per Ex. M-2. I have carefully gone through the entire evidence of MW-1. Nowhere has he stated in his evidence that the I party was a holder of a civil post. The II party has not placed any material to show that the I party is not a workman and that he was holding a civil post. So I hold additional issue framed on 29-5-90 against the II party. I am of opinion that the I party is a workman as defined under Section 2(s) of I. D. Act and this Tribunal has jurisdiction to go into the matter referred to in this reference.

8. It is averred in the claim statement that the I party workman has worked continuously as EDDA for about 2 years w.e.f. 4-6-86. This means that the definite case of the I party workman is that he has worked continuously for more than a year. This is clear from para 1 of the appointment order Ex. M-2. Ex. W-2 shows that the I party workman was relieved once and for all on 25-8-88. This clearly shows that the I party workman has worked continuously for more than 240 days in a year. I have carefully gone through the counter statement. Nowhere has it been denied that the I party has not worked continuously for more than 240 days. It is clear from the material on record that conditions precedent to retrenchment of a workman who has been in continuous service for more than 240 days as contemplated under Section 25-B R/W.S. 25-F of the I. D. Act, have not been complied. The I party workman is clearly entitled to reinstatement in view of the mandatory provisions of I. D. Act.

9. It is contended on behalf of the II party that as per appointment order Ex. M-2, the appointment of I party was provisional and that I party has given a declaration as per Ex. M-3 that he had accepted the appointment of the specific condition that his appointment is in the nature of a contract liable to be terminated by notice given in writing. The fact that the appointment of I party workman was provisional cannot be given any weight since I party had worked continuously for more than 240 days in a year. For the same reason Ex. M-3 also cannot be given any weight. Furthermore Ex. M-3 contemplates a notice before termination of the service of I party. Such a notice prior to termination of the services of I party has not been given. For this reason also Ex. M-3 cannot take away the right of the I party workman despite his undertaking as per Ex. M-3.

10. It is very significant to note that the II party has not produced the written order terminating the services of I party. The I party has produced the xerox copy of the order terminating his services. It is Ex. W-2 dated 25-5-88. What is stated in Ex. W-2 is that he has been relieved w.e.f. 25-5-88. After Ex. W-2, the I party workman has not been given any other duty. He has not been taken on duty again. This means that the only intention of II party was to remove the I party from service. Ex. W-2 has to be construed as an order removing the I party from service. There is no substance in the allegation that he has relieved but not removed from service. So I hold issue No. 8 against the II party.

11. I have already come to the conclusion that the I party workman had worked continuously for more than 240 days in a year and so his removal was bad. There is yet another reason why it should be held that the termination is unlawful. The order of appointment Ex. M-2 (Ex. W-1) has been passed by the Sub-Divisional Inspector MW-1. But the order of termination Ex. W-2 has been passed by the Mail Overseer, who is subordinate to MW-1. The appointing authority has not removed the I party from service. No doubt it is stated in Ex. W-2 that he was relieved as per order of S.D.I. (P), Chintamani. But this order passed by the S.D.I. (P) Chintamani to relieve the I party workman has not been placed before this Tribunal. So the only conclusion possible is that the order of termination of the I party's service has been passed by the Main Overseer, subordinate to MW-1. Mail Overseer is not the authority who appointed the I party. He could not have terminated the services of the I party. For this reason I hold issue No. 1 against the II party.

12. Before terminating the services of the I party workman as per Ex. W-2, no notice, as has already been stated, was issued to I party. Before terminating the services of an employee, the employer is bound to give reasons. This has not been done in this case. No notice is given prior to Ex. W-2 nor does Ex. W-2 contain the reasons. For these reasons I hold issue No. 3 in favour of the I party. For the same reasons I hold issue No. 6 also in favour of the I party.

13. MW-1 has stated that there were complaints that I party workman was not working properly. Exs. M-4 and 5 are the complaints from public. He has stated that a Mail Overseer K. Venkateshamurthy was appointed to enquire into the complaints. Venkateshamurthy died in September, 1991. MW-1 has stated that Exs. M-5 to 7 are the statements made by the I party. Exs. M-8 to 10 are the statements of parties recorded by Mail Overseer. The I party workman has not admitted his signatures to the alleged statements Exs. M-5 to 7. Some sort of a preliminary enquiry appears to have been held against the I party workman in respect of the complaints against him. No regular enquiry (D.E.) has been held against the I party. The Proviso to clause (Sec. 3) 8 of Extra Departmental Delivery Agents Conduct and Service Rules clearly says that the penalty of dismissal or removal from service shall not be imposed except after an enquiry in which delinquent has been informed of the charges against him and has been given a reasonable opportunity of being heard in respect of these charges. This procedure has not been followed before removing the I party from service. Clause 8(2) contemplates other conditions before imposing the penalty of removal. These conditions also have not been fulfilled. For the reasons stated herein I hold issue No. 7 against the II party.

14. I notice lack of bonafides in the conduct of the II party. The I party has produced the xerox copy of the order dated 4-7-89 (Ex. W-5) passed by the Senior Superintendent of Post Offices, Kolar Division, Kolar. This clearly shows that the Senior Superintendent of Post Offices has passed an order approving that the I party be appointed as a Branch Post Master (BPM), Doddaganjoor. BPM is a far higher post than EDDA. It is curious to note despite the order Ex. W-5 by the Sr. Superintendent of Post Offices the I party has not been taken on duty. If the I party had committed misconduct or there were complaints against him. I do not think the Sr. Superintendent of Post Offices would have passed the order as per Ex. W-5.

15. It is feebly contended that the II party (Postal Department) is not an Industry within the meaning of Section 2-J

of I. D. Act. In this regard an order, based on the Supreme Court authority has been passed in the order sheet dated 13-6-90 holding that P and T is an industry. This order has become final.

16. For the aforesaid reasons, in any view of the matter, the I party is entitled to reinstatement.

17. All other documents and evidence not referred to by me above are not relevant. In any case they do not alter my conclusions reached above.

#### ORDER

The II party is directed to reinstate the I party as EDDA forthwith. The I party is entitled to 25% of the back wages w.e.f. 25-5-88. Reference accepted as stated herein. Award passed accordingly. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 24th day of September, 1993.)

Dated : 24-9-1993

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, ७ अक्टूबर, 1993

का. भा. 2300.—आयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मजदूरी-विवाद आफिसर (देवीकाम) के प्रवर्धन के संबंध निोजकी और उनके कार्य-कारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधि-करण हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[सं. एन-40012/52/90-आई आर (डी यू) (डी टी)]

के. पी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 6th October, 1993

S.O. 2300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SDO (Telecom) Adoni and their workmen, which was received by the Central Government on 5-10-1993.

[No. L-40012/52/90-IR (DU) (Pt.)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL AT  
HYDERABAD

#### PRESENT :

Sri Y. Venkatachalam, M.A., B.L., Industrial Tribunal-I.

Dated, the 24th September, 1993

Industrial Dispute No. 71 of 1990

#### BETWEEN

The Workmen of Sub-Divisional Officer (Telecom) Adoni  
..Petitioner

#### AND

The Management of Sub-Divisional Officer (Telecom)  
..Respondent

#### APPEARANCES :

S/Sri M. Rama Rao and A. K. S. R. Anjaneyulu, Advocates—for the Petitioner-Workman.

S/Sri M. Panduranga Rao and B. G. Ravindra Reddy, Advocates—for the Respondent-Management.

#### AWARD

The Government of India, Ministry of Labour, by its Order No. L-40012/52/90-IR (DU), dated 30-11-1990 referred the following dispute under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 between the employers in relation to the management of Sub-Divisional Officer (Telecom), Adoni and their Workmen to this Tribunal for adjudication :—

"Whether the action of the Management of Telecom (SDO, Adoni) in retrenching the workman w.e.f. 30-4-1987 is justified? If not to what relief the workman is entitled?"

This reference was registered as Industrial Dispute No. 71 of 1990 and notice were served on the both parties.

2. The brief facts of the claim statement filed by the Petitioner-Workman read as follows :

The Petitioner was appointed to the post of Mazdoor by S.D.O. Telecommunication, Adoni under Memo No. E-30/Sponsoring/80-87/46, dated 9-9-1986 on a daily wage of Rs. 11.00. According to Standing Orders of the Department a person can be recruited direct from among the persons who are registered at the Exchange, in the case of at such places where there are no employment exchange within a radius of 10 miles. The place Adoni, comes under this category and hence the appointment of the petitioner was perfectly in order. This is as per D.G., P&T Letter No. 269/21/68-STB (Pt. I) dated 29-9-1972 and General Manager, Telecommunication letter dated 19-10-1972. The petitioner worked as Mazdoor under S.D.O. Telecommunication w.e.f. 5-8-1985. Though he was doing his work to the best of his ability and with devotion, all of a sudden the S.D.O., Telecom stopped him from working w.e.f. 7-5-1987, first orally and later under letter dated 22-5-1987 on the ground that the recruitment contravened the instructions of G.M.T. Hyderabad No. TA/STA/9-2/I dated 25-6-1985. It is submitted that the order dated 25-6-1985 is inapplicable. It may be added in this connection that after notice of retrenchment, the petitioner was allowed on duty but for 109 days to complete certain works. The petitioner submits that this order dated 25-6-1985 was already there before his appointment with effect from 8-3-1986 and was taken into consideration at the time of a recruitment. So retrenching on this ground is not only illegal but unjust. The petitioner in all put in 453 days of service. After a lapse of such a considerable length of time the Respondent choose to retrench him from service taking the stand that the recruitment was erroneous. The petitioner submits that in an identical case when some casual labours were terminated on the ground that they were recruited after 31-3-1985 and therefore violative of D.G.'s orders, the Principal Bench of Central Administrative Tribunal, New Delhi, by its order dated 4-5-1988 held that such employees employed after 1-4-1985 if they had continuous service for one year are eligible for absorption (Sunderlal and others v. Union of India and others) vide O.A. No. 529 of 1988. The Petitioner submits this his retrenchment from service w.e.f. 27-5-1987 was based on wrong application of the Standing Orders and contrary to principles of justice and arbitrary and discriminatory. A workman who puts in 240 days attendance is eligible to acquire temporary status and is eligible for all benefits and privileges like regular employees. In the case of Writ Petition No. 373 of 1986 between daily rated casual labour employed under P&T Department Vs. Union of India, the Supreme Court directed :

"The Respondents to prepare a scheme on rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Posts and Telegraphs."

It has been further stated that the Central Administrative Tribunal in O.A. No. 529/1988, dated 4-5-1988 that the

retrenchment of all those that are employed after 1-4-1985 if they had continued for one year, are entitled for absorption. Keeping in view the above decisions of the Supreme Court and the Central Administration Tribunal, he being a person having put in more than 240 days attendance is actually eligible for absorption and has thus a subsisting right. The petitioner submits that the action of the S.D.O. in retrenching him is illegal and in gross violation of Section 25-F and Section 25-G and 25-H of the I. D. Act. The petitioner, therefore prays that the Hon'ble Court may be pleased to set aside the order of retrenchment passed by Sub-Divisional Officer, Telecommunication, Adoni under No. E-1/RLGS/86-37/193 dated 22-5-1987 and pass an award directing the Respondent to reinstate S. Mastanwali into service with full back wages and other attendance benefits and grant such other relief or reliefs as deemed fit and proper.

3. The brief facts of the counter filed by the Respondent read as follows :

It is submitted that the Petitioner was engaged as casual mazdoor under the Respondent during the period from August, 1985 to May 1987 depending upon the availability of the work. It is necessary to submit here that the petitioner himself absented from duty after May 1987 and was not available for work and he did not come for work and therefore his services were disengaged. It is submitted that the petition is also barred by time and also there are no merits in it. With regard to allegation that the workers services are terminated is in violation of Section 25(F) of the I. D. Act. It is submitted that the disengagement of casual labour does not amount to retrenchment within the meaning of Section 2(o) of the I. D. Act and therefore the question of complying with Section 25(F) of the I.D. Act is not at all applicable to the casual labour as they come under excluded category. As the petitioner was not available his service had to be disengaged by the order dated 22-5-1987 of the Respondent with due notice. It is therefore prayed that this Hon'ble Tribunal may be pleased to pass an Award that the petitioner is not entitled to any relief.

4. The point for adjudication is whether the action of the Telecom (SDO) ADONI in retrenching the workman with effect from 30-4-1987 is justified ?

5. WW-1 was examined on behalf of the Petitioner-workman and marked Exs. W-1 to W-10. On the other hand MW-1 was examined on behalf of the Respondent and no documents were marked on its side.

6. WW-1 is S. Mastanwali the petitioner himself. He deposed that he joined the service of the Respondent on 5-8-1985 as Mazdoor. On daily wage basis at Rs. 11.20 per day. He was appointed as direct recruit and he was not sponsored by the Employment Exchange. There was no employment exchange office at Adoni. There is a circular dated 29-9-1972 to the effect that direct recruitment can be made in the offices of the Telecommunication where there is no employment exchange within the radius of 16 kms. from the office. As per the Circular in Ex. W-1, he was recruited directly without the media of Employment Exchange by the Respondent. He worked in the Respondent-Department till 27-5-1987, on which date my services were terminated along with four others without assigning any proper reasons, and the photostat copy of the said termination order dated 22-5-1987 is Ex. W-2. Ex. W-3 is the appointment order dated 9-9-1986 issued to him and 19 others. His name is noted at S. No. 8 in Ex. W-3 and it was also noted as against his name that he has been working in the Department since 5-8-1985. He approached Sub-Divisional Officer, Telecommunication, Adoni several times and requested him to take him into the work and he did not give any reply to him. Then he submitted a representation dated 17-5-1989 to the Regional Commissioner of Labour (Central), Hyderabad requesting to initiate conciliation proceedings. He worked under S.D.O. Telecommunication Adoni for 453 days during the period from 5-9-1985 to 22-5-1987. He obtained the photostat copies of the muster rolls from the department showing the number of days he worked in the department. Ex. W-9 is the list showing the number of days worked

during the above period the Ex. W-9 contains 7 pages. Ex. W-10 is the xerox copy of the circular dated 11-9-1990 stating that the instruction does not mean termination of services of the casual labourers of those appointed after 31-3-1985. He is unemployed. He prays the Court to set aside the orders of the termination dated 22-5-1987 issued by S.D.O. Telecom, Adoni and order for reinstatement into service with full back wages.

7. MW-1 is P. Chinnaiah. He deposed that he is working at Adoni from July, 1990. The nature of work done by the casual mazdoor is laying of underground cables, erection of overhead lines and poles and hence it is not a regular work. These casual mazdoors are engaged whenever there is work. Before engaging them, it will be made clear to them that the casual mazdoors are engaged only when there is work. The petitioner was engaged for total of 453 days and during the period he has not worked in some months due to non-availability of work. Since May 1987 the petitioner did not come to them. The petitioner has not given any representation after May, 1987.

8. The argument of the Petitioner is that he was appointed under the S.D.O. Telecom, Adoni w.e.f. 5-8-1985 on a daily wage of Rs. 11.00 per day, that all of a sudden the S.D.O. served retrenchment notice under No. E-1/RLGS/86-87/198 dated 2-5-1987 on the sole ground that his recruitment was erroneous and contravene G.M.T. Telecom letter dated 25-6-1985. On the other hand, the argument of the Respondent is that the petitioner was engaged as Casual Mazdoor during the period from August, 1985 to May, 1987, that at the time of the engagement of the petitioner it was made clear to him that he will be engaged only for the period when there is work and will not be engaged when there is no work and accordingly petitioner was not engaged during the months of September, 1985, April, 1986 and October, 1986 as there was no work. Hence the question of disengagement of Casual Labour does not amount to retrenchment within the meaning of Section 2(o) of the I. D. Act and comes under excluded category provided under Clause (bb) of Section 2(o) of the I. D. Act.

9. In this case this Tribunal has to see whether the order passed terminating the services of the petitioner under Ex. W-2 is proper or not. Ofcourse there is no dispute with regard to the recruitment of the petitioner and the number of days the petitioner worked under the Respondent i.e. S.D.O. Adoni. Now the contention of the petitioner is that the order of the G.M.T. Telecom Letter No. TA/STA/9-2/1, dated 25-6-1985 was in existence prior to the date of recruitment of the petitioner i.e. the petitioner was recruited on 5-8-1985. The Respondent now cannot assert that the recruitment of the petitioner was in contravention of the instructions of G.M.T., Hyderabad No. TA/STA/9-2/1, dated 25-6-1985. When the petitioner has served the Respondent for a long time wherein the Petitioner has put in 453 days of service. Now the Respondent cannot say that the order of recruitment was erroneous. On the other hand, it is also seen that very many persons have been employed and still continuing in service even though the order of G.M.T. dated 25-6-1985 is in existence. This clearly shows that the retrenchment of the petitioner from service with effect from 27-5-1987 was based on wrong application of the Standing Orders and contrary to the principles of justice and arbitrary and discriminatory. Since the Petitioner workman has put in more than 240 days attendance is eligible to acquire temporary status and is eligible for all the benefits and privileges like regular employees. In support of the case of the petitioner he has cited judgements of the Supreme Court and Central Administrative Tribunal.

10. In the judgement of the Central Administrative Tribunal Principal Bench, New Delhi in the case of Sunderlal and others v. Union of India, the Hon'ble Tribunal directed the Respondents that those labourer employed after 1-4-1985 and who had put in one year service are entitled for absorption their services could not be terminated and further directed for reinstatement forthwith. There is another judgement of the Supreme Court in W.P. No. 373 and 302 of 1986 dated 27-10-1987, wherein the Supreme Court observed that these Casual Labour render the same kind of service as regular labour. The directive principles of State Policy as contained in article 38 provides to minimise the inequalities in income. The Supreme Court further directed the authorities to cor-

porate a scheme on National basis for absorbing casual labour who have been continuously working for more than one year in the Post and Telegraph Departments. The written argument of the Respondent has not whispered or rebutted to the decisions of the Supreme Court and Central Administrative Tribunal.

11. So taking into consideration all the facts and circumstances of the case, I am clearly of the view that the Orders of the Sub-Divisional Officer, Adoni in terminating the services of the Petitioner-workman is ill-motivated and without any valid grounds and is liable to be quashed as arbitrary and illegal.

12. In the result, the action of the Management of Telecom (SDO, Adoni) in retrenching the workman Sri Mastanvali w.e.f. 3-4-1987 is not justified. The said workman is entitled to be reinstated into service with full back wages and all other attendant benefits.

Award passed accordingly.

Typed to my dictation, given under my hand and the seal of this Tribunal, this the 24th day of September, 1993.

Y. VENKATACHALAM, Industrial Tribunal-I

#### Appendix of Evidence

Witnesses Examined on behalf of the Petitioner-Workman :

WW-1—S. Masthan Ali.

Witnesses Examined on

behalf of the Respondent-Management :

MW-1—P. Chinnaiah.

Documents marked for the Petitioner-Workman

Ex. W-1/29-9-72—Photostat copy of the recruitment of casual labour/work charged staff etc. through Employment Exchange.

Ex. W-2/22-5-87—Photostat copy of the Termination Order issued by the Sub-Divisional Officer, Telecom Adoni with regard to casual mazdoors.

Ex. W-3/9-9-86—Copy of the appointment order issued by the Sub-Divisional Officer, Telecom, Adoni to the petitioner and 19 others.

Ex. W-4/12-5-89—Copy of the representation submitted by the petitioner to the Regional Commissioner of Labour (Central), Hyderabad.

Ex. W-5/16-8-89—Copy of the parawise remarks submitted by the Sub-Divisional Officer, Telecom, Adoni to the Regional Labour Commissioner (Central), Hyderabad.

Ex. W-6/10-3-90—Photostat copy of the Rejoinder submitted by the Workmen's representative to the A.L.C. (C), Hyderabad.

Ex. W-7/24-11-89—Photostat copy of the comments submitted by the petitioner to the A.L.C. (C), Hyderabad.

Ex. W-8/30-3-90—Photostat copy of the Conciliation Report submitted by the A.L.C. (C-I), Hyderabad to the Secretary to Government of India, Ministry of Labour, New Delhi.

Ex. W-9—Working days particulars.

Ex. W-10—DOT Order No. 269-10/89-STN. Dated 7-11-88.

Documents marked for the Management/Respondent

NIL

नई दिल्ली, 7 अक्टूबर, 1993

का. घा. 2301.-औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. जी. एम. एल. के प्रबन्धन के संबद्ध नगोशियों और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम और लेबर कोर्ट बंगलूर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-10-93 को प्राप्त हुआ था।

[सं० एल-43012/20/89-ए ई आर (विविध)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1993

S.O. 2301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.G.M.L. and their workmen, which was received by the Central Government on 4-10-1993.

[No. L-43012/20/89-IR(Misc.)]

K. V. B. UNNI, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT, BANGALORE

Dated this 24th day of September 1993

PRESENT:

Shri M. B. Vishwanath, B.Sc., B.L., Presiding Officer.

CENTRAL REFERENCE NO. 17/90

I party

The Secretary,  
B.G.M. Employees' Union,  
Marikuppam P.O.,  
K.G.F. 563119

v/s

II party

The Managing Director,  
B.G.M.L.,  
Gorganum P.O.,  
K.G.F. 563120

#### AWARD

In this reference made by the Hon'ble Central Government by its order No. L-43012/20/89-IR (Misc.) Dt. 20-3-1990 under Sec. 10(2A)(1)(5) of I.D. Act 1947, the point for consideration as per schedule to reference is :

"Whether the notice issued by the management of B.G.M.L. to Sri K. Tirupad, Sanitary worker, P.E. No. 013897 to retire him from service from 1-1-90 is justifiable? If not, what relief is he entitled to?"

2 I party workman was working under the II party. The II party has issued a notice to the I party stating that the I party would attain superannuation on 1-1-90 and he would be retires from that date. This notice has been issued by the II party to I party in view of the fact that the I party had given his age as 25 years at the time of joining employment of II party.

3. In his reference the I party's case as per claim statement is that his date of birth is 11-9-34 and he would reach superannuation on 11-9-94.

4. The II party has contended in the counter statement (written statement) that the date of birth of I party is not 11-9-34. The case of the II party is that the I party had



declared at the time of joining service of the I party that his age was 30 years as on 1-11-59 and so his date of birth is 1-11-29. This is the date of birth as per the declaration made by the I party at the time of joining service. The I party has prayed that the reference should be rejected.

5. It is not disputed that I party workman has filed O.S. No. 619/89 for declaration that he was born on 11-9-34, in the Court for Munsiff at K.G.F.

6. In view of the fact that the I party workman has filed a suit before the Munsiff, K.G.F. in O.S. 619/89 for declaration that he was born 11-9-34, this Tribunal by a detailed considered order dt 19-7-93 has directed the I party to file a memo as to which forum he will elect viz. whether this Tribunal or the Civil (Munsiff) Court at K.G.F.

7. In view of the direction given by this Tribunal, as stated above the I party workman has filed a memo before this Tribunal on 30-8-1993 that he is not pressing this reference and that he wants to prosecute the original suit No. 619/89 before the Learned Munsiff, K.G.F.

8. In view of the statement by the I party in the memo dt. 30-8-93 that he does not press the present reference, the reference is rejected. Award passed rejecting the reference. Submit to Government.

(Dictated to Stenographer, typed by him, corrected, signed by me on this 24th day of September 1993).

M. B. VISHWANATH, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1993

का. अ. 2302.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्र सरकार की. बी. एम. बी. के प्रबन्धन के संस्था निपटारों और उनके कर्मचारियों के बीच, अन्तर्गत में निम्नलिखित औद्योगिक विवाद में केन्द्र सरकार और औद्योगिक प्रतिक्रिया पंचोपदेश के अन्तर्गत की प्रकृति कला है, का केन्द्र सरकार की 5-10-93 की आज्ञा द्वारा।

[मं. एन-42012/118/86-डी-2 (बी) (पी टी)]  
के बी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1993

S.O. 2302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby published the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 5-10-93.

[No. L-42012/118/86-D.II(B)(Pt)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. I. D. 74/87

Desh Raj Vs. Bhakra Beas Management Board.

For the workman.—Shri R. K. Singh.

For the management.—Shri C. Lal.

#### AWARD

Central Govt. vide gazette notification no. L-42012/118/86-D.II(B) dated 24th August 1987 issued U/S 10(1)(d) of the I. D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Bhakra Beas Management Board in terminating Shri Desh Raj S/o Sh. Lachhman Das Unskilled Mazdoor from service w.e.f. 1-1-86 is legal and justified? If not, to what relief is the concerned workman entitled?"

2. In brief, case of the petitioner in statement of claim that he was engaged as unskilled mazdoor w.e.f. 1-10-1982. His services were illegally terminated w.e.f. 1-1-1986 in violation of Section 25-F of the I.D. Act having not paid retrenchment compensation and pay in lieu of notice although he had completed 240 days preceding one year to the date of termination. He also alleges the violation of Section 25-G and 25-H of the I.D. Act 1947. He also alleges that the work against which he was employed was of permanent nature. No charge sheet or show cause notice was given to him. He has thus sought re-instatement with full back wages.

3. The management in their written statement has taken the preliminary objection that neither they terminated the services nor any discharge order was passed. But however the petitioner himself remained off the duty for months together. On merits their plea is that the petitioner had worked as unskilled mazdoor on daily wage basis. He worked on temporary job lastly for short duration. He last attended his duty on 12/85 and thereafter he did not turn up. While giving the number of days put in month wise their stand is that the petitioner had not completed 240 days preceding 12 calendar months ending December 1985. The management repeated the plea of abandonment. Their further stand is that since the petitioner had abandoned the job, question of violation of Section 25-G is not attracted. The violation of Section 25-H also denied and sought the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the claim statement.

5. The petitioner in support of his case produced WW1 Shalender Kumar Clerk. He produced himself as WW2. He filed his affidavit Ex. W1. The management produced MW1 R. K. Malik SDO Water Supply and sanitation BBMB. He filed his affidavit Ex. M1. He also relied on documents Ex. M2 and M3 and respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. Admittedly the management had offered the job on 23-3-1988 in pursuance of which the petitioner had joined duty on 23-3-1988. Question remains in this case is of the back wages from the date of termination i.e., 1-1-1986 to 23-3-1988 for which the petitioner could only be entitled if his termination is declared illegal. Rep. of the petitioner claims violation of Section 25-F of the I.D. Act 1947 petitioner having completed 240 days in preceding 12 months from the date of termination. The management takes the plea of abandonment. The management's plea is ill founded. In case of abandonment it was obligatory for the management to hold an enquiry or at least send a public notice before treating the petitioner having abandoned the job. But however admittedly no enquiry was held, no public notice was sent. On the other hand had petitioner not interested in serving with the resndt. management and had thought of abandoning the job he would not have initiated his grievance immediately thereafter. Therefore, the plea of the management that the petitioner had abandoned the job has no legs to stand.

8. The management also claims that the petitioner does not complete 240 days in preceding 12 calendar months from the date of termination. This also seems incorrect. In the written statement the management has shown the number of days put in by the petitioner from 1982 till December 1985. However for the purpose of calculation in relation to the provisions of Section 25-F the number of days put in by the petitioner in preceding 12 months is to be taken into account. No doubt the petitioner as per the said statement does not complete 240 days because the petitioner shown to have not worked in the months of August, September and October 1985. WW1 Shalender Kumar Clerk had brought the paid vouchers in response to the application of the workman for the production of the said vouchers which was allowed. Number of days put in by the petitioner in relation to the paid vouchers runs contrary to the statement contains in the written statement by the management. In the said statement the petitioner has not shown to have worked in the month of March 1983 and as well in August 1983. However as per the paid vouchers as evident from the statement of WW1 Shalender Kumar Clerk the petitioner did work in the month of March 1983 for 26 days and also had worked for 7 days in August 1983. The management witness MW1 R. K. Malik SDO Water Supply is also silent



about the said statement contained in the written statement. He also even does not rely on it. Therefore, the statement of number of days given by the management in the written statement can not be taken as authentic statement.

Not only this VW1 Shalinder Kumar Clerk says that he could not lay his hands on the paid vouchers for the month of October 1985 and at the same time he states that he has not brought the paid vouchers for the month of October 1985 and as well as of August 1985. Thus a strong presumption can be taken against the management that the paid vouchers for the month of August 1985 and October 1985 has been withheld knowingly in order to show that the petitioner had not completed 240 days in the preceding 12 calendar months. However upon added said months in the statement with regard to the number of days put in by the petitioner, the petitioner completed 240 days. Admittedly the petitioner was not paid any retrenchment compensation and pay in lieu of notice by the management thus violates the provisions of Section 25-F of the I.D. Act 1947. Hence his termination is illegal and deserves back wages from 1-1-1986 to 23-3-88 with all consequential benefits.

9. Faced with the difficulty, the management has placed reliance on Ex. M3 an offer by way of letter made by the petitioner dated 5-1-1989 indicating that if he be appointed against vacant post of beldar he will withdraw the present case within 7 days of appointment as beldar and the management admits petitioner have been given appointment as beldar on 19-6-1990 and on the basis of said settlement the present reference deserves withdrawal. This plea of the management can not be accepted. The said offer at the outset is conditional and can not be taken as a settlement. The said letter was never confronted to the petitioner in his cross-examination. Admittedly the offer was given on 9-1-1989. However the management only appointed him as beldar on 19-6-1990 obviously indicate that his appointment as beldar must be on account of some vacancy existed and not upon the offer made by the petitioner otherwise the management would not have taken 1-1/2 years to take effect of the said offer.

10. In view of the discussions made in the earlier paras. the management is directed to release back wages from the period 1-1-1986 to 23-3-1988 within 30 days from the publication of the award. Reference is answered accordingly.

Chandigarh.

27-9-93

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1993

का. भा. 2303.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार को बी एस बी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[नं. एल.-42012/33/90-आई आर (बी यू) (पी टी)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1993

S.O. 2303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of B.B.M.B. and their workmen, which was received by the Central Government on the 5-10-93.

[No. L-42012/33/90-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

2339 GI/93—7.

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT., INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH.

Case No. 168/90

Madan Lal Vs. Bhakra Dam

For the Workman : Shri R. K. Singh.

For the Management : Shri C. Lal.

## AWARD

Central Govt. vide gazette notification No. 42012/33/90 I.R. (D.U.) dated 9-11-90 issued U/S 10(1)(d) of the I.D. Act 1947, referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of the Bhakra Beas Management Board rep. through the Chief Engineer Bhakra Dam, Nangal Township, Distt. Ropar (PB) in terminating the services of Shri Madan Lal, unskilled Mazdoor w.e.f. 30-1-87 is justified? If not, to what relief the concerned workman is entitled to and from what date?”

2. Ram Kishan Singh authorised representative of the petitioner has made a statement that he does not want to pursue with the present reference and withdraw the same. In view of the statement made by the authorised representative of the petitioner, present reference is returned to the Ministry.

Chandigarh.

14-9-1993.

CAMP NANGAL.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1993

का. भा. 2304.- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार को बी एस बी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[नं. एल.-42012/33/90-आई आर (बी यू) (पी टी)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1993

S.O. 2304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in Annexure, in the industrial dispute between the employers in relation to the management of Chief Engineer Bhakra Dam, Nangal Township and their workmen, which was received by the Central Government on the 5-10-1993.

[No. 42012/33/90-IR(DU)(Pt.)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING  
OFFICER, CENTRAL GOVT., INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH

Case No. I.D. 22/91

Vijay Kumar Vs. Bhakra Dam

For the Workman : Shri R. K. Singh.

For the Management : Shri C. Lal.

## AWARD

Central Govt. vide Gazette Notification No. 42012/133/90. I.R. (D.U.) dated 15th February, 1991 issued U/S 10(1)(d) of the I.D. Act, 1947 referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the management of Chief Engineer Bhakra Dam, Nangal Township in terminating the services of Shri Vijay Kumar w.e.f. 31-7-1989 is justified? If not, what relief he is entitled to and from what date?"

2. Present case was fixed for the evidence of the management. However, the petitioner Vijay Kumar has made a statement that he has been given re-employment. He does not want to pursue with the present reference. No dispute award be returned to the Ministry.

In view of the statement made by the petitioner himself that he has been given re-employment and he does not want to pursue with the present reference, no dispute award is returned to the Ministry.

Chandigarh.

Camp at Nangal.

15-9-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 7 अक्टूबर 1993

का. भा. 2305.—औद्योगिक विवाद अधिनियम, 1947 (1997 का 14) का धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. इन्फ्यू. डी. श्रीनगर के प्रबंधक के संबंध में निम्नलिखितों और उनके कर्मचारियों के बीच अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रीनगर के पंचपर को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-83 को प्राप्त हुआ था।

[सं. एल-42012/77/88-डी-2 (बी) (पी टी)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1993

S.O. 2305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CPWD, Srinagar and their workmen, which was received by the Central Government on the 5-10-93.

[No. L-42012/77/88-D.II(B) (Pt.)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING  
OFFICER, CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT,  
CHANDIGARH

Case No. I.D. 70/89

Harbhajan Singh Vs. C.P.W.D.

For the Workman.— Shri N. C. Wadhawan

For the Management.— Shri Arun Walia

## AWARD

Central Govt. vide Gazette Notification No. L-12012/77/88.D. II(B) dated 2nd May 1989 issued U/S 10(1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Executive Engineer (Elect) Srinagar Central Elect. Division, CPWD, Srinagar in terminating the services of Shri Harbhajan Singh, Wireman son of Nirmal Singh is justified? If not what relief workman is entitled to and with what effect."

2. Brief facts as set out in the statement of claim by the petitioner that he had worked as khalasi at Srinagar Airport under Executive Engineer CPWD Electrical from 23-1-1980 to 23-9-83 for no fault of his although his junior Surinder Singh was retained and later on made regular. He made representations to Asstt. Engineer but no effect ultimately raised a demand notice before the Asstt. Labour Commissioner and has sought the re-instatement in the present reference.

2. The management in their written statement states that there is nothing in the record to show that the petitioner was retrenched. He was neither retrenched nor his services were terminated. He left the job at his own will being their wages not adequate has tempted to raise this industrial dispute after—93 approximately 4 years being the emoluments of the muster roll employees have been increased w.e.f. 1-4-1987 being they are now Rs. 875 for unskilled, Rs. 925 for semiskilled and Rs. 1100 per month for highly skilled clerical category. It is admitted that Surinder Singh is still working, but the same is of no consequence as the petitioner had abandoned the job. It was denied that the petitioner had met with any Asstt. Engineer and made any representation. Further plea of the management that the initial stand of the management that the petitioner was retrenched with other workers due to handing over of maintenance work based on the report dated 2-5-1988 which was found to be incorrect and thus has sought the dismissal of the reference.

4. The petitioner in support of his case examined himself as WW1. He filed his affidavit Ex. W1. He also relied on Ex. W2 the medical certificate. The management has produced MW1 Ramesh Raina. He filed his affidavit Ex. M1. He relied on the muster roll Ex. M2 and Ex. M3 copy of representation dated 23-10-1987, and closed their respective evidence.

5. I have heard both the parties, gone through the evidence and record.

6. The arguments advanced by the counsel for the petitioner that the services of the petitioner has been terminated w.e.f. 1-10-1983 in violation of Section 25-F and Section 25-G of the I.D. Act and sought re-instatement with back wages. On the contrary the plea of the management that the petitioner having abandoned his service w.e.f. Oct. 1983 not entitled to any relief. After perusal of the record and evidence I agree to the contention raised by the counsel for the respdt. management. Contract of service comes to an end where the workman abandoned his job. In order to constitute abandonment there must be total or complete giving up of duties so as to indicate an intention not to resume the same. Abandonment must be total and in the circumstances which clearly indicate an absolute relinquishment. The question as to whether the job, in fact has been abandoned or not is a question of fact which is to be determined in the light of surrounding circumstances, length of absence and act and conduct of the parties. Ex. M2 are the copies of muster roll, for the month of October 1983 in 1-10-1983 the petitioner has been marked present and then there are remarks "left after roll call on 1-10-83". The petitioner had not attended the duties thereafter. Admittedly there is no order of termination. The petitioner though state in his cross-examination that he made representation immediately after termination and also moved representation to the higher authorities for which he possess the acknowledgement. No copy of any representation or acknowledgement has been placed on the record. The only representation shown to have made by him which is Ex. M3 that too in the year 1987 after approximately four years. The length of absence is a strong circumstance against the petitioner. Had the services of the petitioner were terminated by the management w.e.f. 1-10-83 cause of action against the said termination had accrued to him immediately thereafter. But he remained silent for nearly 4 years till 1987. During this period he had not taken case to approach the higher authorities or to approach the Court of Law. Demand notice which he had raised in the year 1988, it was open for him to raise the same in the year 1983 itself. Had he been illegally terminated. But there is complete lull in this behalf. Another circumstance which might have led the petitioner abandoning the job in 1983 being having wages less paid as apparent from muster roll Ex. M2. khalass category to which the petitioner belonged was only paid Rs. 10 per day and tempted to rejoin the respdt. management being emoluments of the muster roll employees increased w.e.f. 1-4-87 to Rs. 875 per month for unskilled category and Rs. 925 per month for semi skilled category. This plea of the management that the workman has tempted to rejoin only on account of increase in the emoluments of the muster roll employees has also not refuted in the cross-examination of the management's witness by the petitioner. All the facts which constitute the abandonment i.e. length of absence, act and conduct of the petitioner and the surrounding circumstances exist in the present case. Circumstances of the present case clearly shows that the petitioner had abandoned and relinquished his service of his own and the removal of his name from the muster roll was mere

formality. It is also pertinent to note that the petitioner had not taken up any pleading of ulterior motive, bad faith or malafide on the part of the management.

7. Plea of the violation of Section 25-G having retaining the junior Surinder Singh is no help to the petitioner and is not tenable in view of the fact that the petitioner himself had abandoned his job.

8. The petitioner had not relied any other document.

9. Hence nothing survive in the proceedings initiated by the petitioner and he is not entitled to reinstatement and back wages. Ratio of Managing Director Vs. Babasaheb Devogonda Patil and another 1988 LIC 288 (Bombay) is followed. In a way reference is answered accordingly.

Chandigarh

8-9-93.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1993

का. पा. 2306-- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शी. पी. डब्ल्यू. ऑ. श्रीनगर के प्रबंधक के संबंध नियोज्जकों और उनके कर्मचारियों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकांश बंदों के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[सं. एल-42012/78/88-डी-2 (बी) (पी टी)]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1993

S.O. 2306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of CPWD Srinagar and their workmen, which was received by the Central Government on the 5-10-93.

No. L-42012/78/88-D-II(B)(Pt.)

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 69/89

Pran Nath Kaul Vs. C.P.W.D.

For the Workman.— Shri N. C. Wadhawan

For the Management.—Shri Aron Walia

## AWARD

Central Govt. vide Gazette Notification No. L-12012/78/88. D. II(S) dated 2nd May 1989 issued U/S 10(1) (d) of the I.D. Act 1947 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Executive Engineer (Elect.) Srinagar Central Elect. Division, CPWD, Srinagar in terminating the services of Shri Pran Nath Kaul, Khalasi son of Radha Krishan Kaul is justified ? If not, what other relief workman is entitled to and from what date ?"

2. Brief facts as set out in the statement of claim by the petitioner that he had worked as Khalasi at Srinagar Airport under Executive Engineer CPWD Electrical from 7/5/1982 to 31/10/1983 with utmost dedication. His services were terminated w.e.f. 1/11/83 for no fault of his although his juniors Mohd Sultan Gooru, Kulbir Singh and Gulam Hassan Rathar were retained and later on made regular. He made representations to the Asstt. Engineer but no effect ultimately raised demand notice before the Asstt. Labour Commissioner on 6-6-1988 and has sought the re-instatement in the present reference.

3. The management in their written statement states that there is nothing on the record to show that the petitioner was retrenched. He was neither retrenched nor his services were terminated. He left the job at his own will being their wages not adequate which were Rs. 8.75 per day from August 1982 to Sep. 1982 and were raised to Rs. 10/- from October 1982 and this has tempted to raise this industrial dispute after 4-1/2 years being the emoluments of the muster roll employees have been increased w.e.f. 1-4-87 being they are now Rs. 875 for unskilled, Rs. 925 for semi skilled and Rs. 1100 per month for highly skilled clerical category. It was denied that Mohammed Sultan and Kulbir were junior to the petitioner. The stand is that they were Asstt. Operator and not Khalasis as on May 1982 and Gulam Hassan was employed as Khalasi on 16-2-83. It was denied that the petitioner had met with any Asstt. Engineer and made any representation. Further plea of the management that the initial stand of the management that the petitioner was retrenched with other workers due to handing over of maintenance work based on the report dated 2-5-88 which was found to be incorrect and thus has sought the dismissal of reference.

4. The petitioner in support of his case examined himself as WW1 and filed his affidavit Ex. W1. He relied on the document Ex. W2 letter dated 4-6-88. The management has produced MW1 S. P. Sharma. He filed his affidavit Ex. M1. He relied on the muster roll Ex. M2, the seniority his Ex. M3 and closed their respective evidence.

5. I have heard both the parties, gone through the evidence and record.

6. The arguments advanced by the counsel for the petitioner that the services of the petitioner has been terminated w.e.f. 1-11-1983 in violation of Section 25-F and Section 25-G of the I.D. Act and sought re-instatement with back wages. On the contrary the

plea of the management that the petitioner having abandoned his services w.e.f. Nov. 83 not entitled to any relief. After perusal of the record and evidence I agree to the contention raised by the counsel for the respdt. management. Contract of service came to an end where workman abandoned his job. In order to constitute abandonment there must be total or complete giving up of duties so as to indicate an intention not to resume the same. Abandonment must be total and in the circumstances which clearly indicate an absolute relinquishment. The question as to whether the job, in fact has been abandoned or not is a question of fact which is to be determined in the light of surrounding circumstances, length of absence and act and conduct of the parties. Ex. M2 are the muster roll for the month of Oct. 83 and November 1983 which indicates that w.e.f. 1-11-83 the petitioner had not attended the duty. Admittedly there is no order of termination. The petitioner has also admitted in cross-examination that he had not made any written representation alleging termination. The length of absence is strong circumstance against the petitioner. Had the services of the petitioner were terminated by the management w.e.f. 1-11-1983 cause of action against the said termination had accrued to him immediately thereafter. But he remained silent for nearly 4-1/2 years till 1988. During this period he had not taken care to approach the higher authorities or to approach the Court of law. Demand notice which he had raised in the year 1988 it was open for him to raise the same in the year 1983 itself had he been illegally terminated. But there is complete lull in this behalf. Another circumstance which might have led the petitioner abandoning the job in 1983 being having wages less paid is apparent from muster roll Ex. M2, khalasi category to which the petitioner belonged was only paid Rs. 10 per day and tempted to rejoin the respdt. management being emoluments of the muster roll employees increased w.e.f. 1-4-1987 to Rs. 875 per month for unskilled category and Rs. 925 per month for semi skilled category. This plea of the management that the workman has tempted to rejoin only on account of increase in the emoluments of the muster roll employees has also not refuted in the cross-examination of the management's witness by the petitioner. All the facts which constitute the abandonment i.e. length of absence, act and conduct of the petitioner and the surrounding circumstances exist in the present case. Circumstances of the present case clearly shows that the petitioner had abandoned and relinquished his service of his own and the removal of his name from the muster roll was mere formality. It is also pertinent to note that the petitioner had not taken up any pleading of ulterior motive, bad faith or malafide on the part of the management.

7. Plea of the violation of Section 25-G having retaining the juniors namely Mohd Sultan, Kulbir Singh and Gulam Hassan Rathar referred in letter Ex. W2 (M3) where the above said three persons have shown to have junior to the petitioner is no help to the petitioner and is not tenable in view of the fact that the petitioner himself had abandoned his job.

8. The petitioner had not relied on any other documents.

9. Hence nothing survive in the proceedings initiated by the petitioner and he is not entitled to reinstatement and back wages Ratio of Managing Director Vs. Babasaheb Devgonda Patil and another 1988 L.I.C. 288 (Bombay) is FOLLOWED. In a way reference is answered accordingly.

Chandigarh  
8-9-93.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 7 अक्टूबर, 1993

क्र. आ. 2307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसूची में केन्द्रीय सरकार उक्त अधिनियम को धारा 33क के अन्तर्गत भाखड़ा ब्यास मैनेजमेंट बोर्ड के प्रवक्ता के विरुद्ध श्री प्यारा लाल द्वारा दायर एक पार्यन्त पत्र के सम्बन्ध में केन्द्रीय सरकार औद्योगिक अधिकरण, चंडीगढ़ के पंचपट को प्रसारित करने है, जो कि केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[संख्या जेड-13011/2/93--आई भर (जी यू) (पं ६)]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 7th October, 1993

S.O. 2307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh Arbitrator, as shown in the annexure in respect of a complain u/s 33 A of the said Act filed by Piara Lal against the management of Bhakra Beas Management Board which was received by the Central Government on 5-10-1993.

[No. Z-13011/2/93-IR(DU) (Pt.)]  
K. V. B. UNNY, Desk Officer  
ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING  
OFFICER, CENTRAL GOVT., INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT  
CHANDIGARH  
I. D. No. 144/91

Complaint U/s 33-A of the I.D. Act, 1947.  
Piara Lal Vs. Bhakra Beas Management Board  
For the workman : Shri Dhani Ram.  
For the management : Shri D.L. Sharma.

#### AWARD

Present complaint was fixed for arguments today. However Dhani Ram authorised representative of the workman has made a statement that I.D. No. 2/90 on the related issue is pending. He withdraws this application for the time being.

In view of the statement made by the rep. of the petitioner, present complaint is dismissed as withdrawn. Ministry be informed.

Chandigarh.  
22-9-1993.

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 6 अक्टूबर, 1993

क्र. आ. 2308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) को धारा 17 के अनुसूची में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रवक्ता के संबंध में निम्नलिखित और उनके कार्यकारी के बीच, अनुसूची में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न थम न्यायालय चंडीगढ़ के पंचपट को प्रसारित करने है, जो केन्द्रीय सरकार को 5-10-93 को प्राप्त हुआ था।

[संख्या एम्-12012/149/86-डी-II (ए.)]  
एम. एस. के. राव, डेस्क अधिकारी

New Delhi, the 6th October, 1993

S.O. 2308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal Cum Labour Court, Chandigarh as shown in the Annexure, in the industrial dispute between the employers, in relation to the management of State Bank of India, which was received by the Central Government on the 5-10-1993.

[No. L-12012/149/86 DII(A)]  
S. S. K. RAO, Desk Officer

#### ANNEXURE

BEFORE SHRI ARVIND KUMAR, PRESIDING  
OFFICER, CENTRAL GOVERNMENT,  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, CHANDIGARH

Case No. ID No. 5/88

Arjun Dass Vs. State Bank of India  
For the workman : Shri J. G. Verma  
For the management : Shri Ashok Khullar

#### AWARD

Central Govt. vide gazettee notification No. L-12012/149/86-D.II(A) dated 3rd February, 1988 issued U/s 10(1)(d) of the I.D. Act referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of State Bank of India in denying employment to Shri Arjun Das, Guard though he had secured more marks than others who were selected for appointment was justified? If not, to what relief the workman concerned is entitled?”

2. Brief facts as emerged from the statement of claim that the petitioner had worked as guard at Gurdev Nagar Ludhiana branch in the year 1983 where he was allowed to continue for 87 days. Again on 30-6-1984 he was interviewed for the post of guard and had obtained 38 marks but was not considered for appointment. However the persons who got lesser marks in the interview had offered appointment. He has been declined appointment for the reason that he possess higher qualification of matric whereas lower qualification is prescribed for the post. It is also alleged that at the time of initial appoint-

ment where he worked in the temporary capacity he was matriculate at that time and this fact was very much in the knowledge of the branch manager. He has thus sought re-employment from the date the employees getting lesser marks was employed in pursuance of the interview held on 30-6-1984 with full back wages.

3. The management in their written statement has taken the plea that initially the petitioner had worked for 87 days in the year 1981 and not in the year 1983 as mentioned in the claim petition. The management admits that the petitioner had secured 32 marks with the remarks "matriculate, eligibility of be verified at regional office". Further plea of the management is that as per existing provisions only the non-matriculate candidates are eligible for appointment in this cadre. The petitioner being over qualified being matriculate not appointed to the said post. Further plea of the management that even the initial appointment of the petitioner made in the year 1981 was also void-abinitio being petitioner over qualified and it was not in the knowledge of the manager of the concerned branch. Subsequently also in the year 1984 the correct position about his educational qualification was not clear to the interview committee and he was then interviewed provisionally. He has thus not entitled to any re-employment what-so-ever and prayed for the dismissal of the reference.

4. Replication was also filed reasserting the claim made in the claim statement.

5. In support of his case petitioner examined himself as WW1. He filed his affidavit Ex. W1. The management produced MW1 D. K. Jain Officer of the State Bank of India who filed his affidavit Ex. M1. Respective parties closed their evidence.

6. I have heard both the parties, gone through the evidence and record.

7. The arguments advanced by the rep. of the management that as per existing provisions non-matriculate are eligible for appointment in the said cadre. The petitioner being matriculate was thus over qualified and rightly not considered for the appointment and also stressed that his initial appointment also erroneous and does not validate the irregular appointment. In support of his contention the management also relied on *Som Dutt Vs. State of Haryana* and another 1984 (1) Service Law Journal page 529. The contention raised by the management is devoid of any merit and the authority cited is no help to the management. Higher qualification at any stage can never be considered at a disqualification. In *Som Dutt case (Supra)* the prescribed qualification for the post was two year JBT diploma in education training course from the Haryana Education Department whereas the petitioner in the said case was possessing the degree of Bachelor of Education and was claiming higher than two years JBT Diploma and it is in that respect the Court held that it is not for this Court to enter into the thicket of determining whether Bachelor of Education Degree is higher than the two years JBT Diploma and held that where qualification for the post was spelled out by a statute or prescribed by the employer state, it can insist on a literal

adherence there to irrespective of either an underscribed equivalent or a higher academic qualification. Their Lordships also distinguished while holding that :

"It deserves pointing out that herein higher or superior qualification would mean a qualification which either by way of comparison or assessment may be deemed or construed to be superior without the claimant having the basic minimal qualification in strictitude. It seems elementary but nevertheless deserves highlighting that where a candidate possesses the prescribed or basic qualification, he would not become ineligible or in any way disqualified by the mere fact that after having acquired the same, he later secures either higher or additional qualifications. This may be concretised by illustration. Thus if the minimum prescribed qualification is Bachelor of Arts and a claimant fulfills the said qualification but has also got his Master of Arts Degree or a Doctorate thereafter, he would not become ineligible or disqualified. Therefore, in such a case, the question of deciding whether the claimant has a higher qualification does not at all arise. Similarly, if a Second Class Degree is prescribed as a minimum qualification for a post, a person possessing a first class degree cannot be regarded as ineligible."

Thus ratio laid down in the said judgement that where qualification prescribed in relation to the basic qualification for which no comparison is required then he would not become ineligible or disqualified by mere fact that he acquires or secures further higher or additional qualification. The ratio laid down in *Smt. Tajinder Kaur and others Vs. The State of Punjab* and another 1993(1) R.S.J. page 162 is also followed in which it has been held that persons possessing higher qualification is not debarred from being appointed against a post for which lower qualifications are required.

8. Coming to the merits of the present case, the petitioner did work in the same capacity with the same qualification in the year 1981, following the ratio laid down in *Som Dutt's case* and *Mrs. Tajinder Kaur's case (Supra)* although as per the existing provisions non-matriculate were eligible for the appointment for the post of guard, the petitioner being matriculate could not be debarred the appointment merely he was possessing the higher qualification. The management can not wash their hands of while saying he is ineligible having more qualified. MW1 D. K. Jain appearing on behalf of the management has also admitted in the cross-examination that the candidates who secured less marks than the petitioner have been retained in the bank. Admittedly the petitioner had secured 32 marks and merit in the interview and thus deserve appointment to the said post.

9. In view of the discussion made in the earlier para the action of the management for not offering appointment is certainly illegal and arbitrary. The management is directed to give him appointment in pursuance of the interview held on 30-6-84 according to the merit of the petitioner with all consequential benefits.

10. The question now relates to payment of back-wages. The petitioner has claimed wages for whole of the period. Pleading as well as evidence in the present case has been perused. He nowhere says that he was not gainfully employed anywhere. Even otherwise it can not be expected that for such long period a man remains unemployed. He also raises industrial dispute after a considerable delay of more than four years. In view of the peculiar situation of the present case, claim for backwages is declined. The ratio of the judgement *Randhir Singh Vs. State of Punjab* and others reported in 1993(3) R. S. J. page 212 is followed.

Chandigarh

dt. 27-9-1993

ARVIND KUMAR, Presiding Officer

नई दिल्ली, 15 अक्टूबर, 1993

का. आ. 2309.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 914 दिनांक 16 अप्रैल, 1993 द्वारा भारतीय खाद्य निगम सेवा को उक्त प्रधिनियम के प्रयोजनों के लिए 16 अप्रैल, 1993 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था।

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है।

अतः अब, औद्योगिक विवाद, 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (vi) के परम्युक्त द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त प्रधिनियम के

प्रयोजनों के लिए 16 अक्टूबर, 1993 से छः मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संख्या एन-11017/5/91-पब्लिक (विद्यार्थी)]

एस. एस. प्रशर, प्रवर सचिव

New Delhi, the 15th October, 1993

S.O. 2309.—Whereas the Central Government having been satisfied that the public interest so required had in pursuance of the provision of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. No. 914 dated 16th April, 1993, the services in the Food Corporation of India to be a public utility service for the purposes of the said Act, for a period of six months from the 16th April, 1993;

And, whereas, the Central Government is of the opinion that the public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 16th October, 1993.

[No. S-11017/5/91-I.R. (PL)]

S. S. PRASHER, Under Secy.

